



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

TUESDAY, SEPTEMBER 3, 2019
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA

7:00 PM

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

- Proclaim September 2 - 6, 2019 as *National Payroll Week*
- Proclaim September as *Pain Awareness Month*

PUBLIC FORUM

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

C1. **Receive City Council Calendar of Meetings for September 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

C2. Approve City Council meeting minutes for August 9, 13, and 20, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: approve the meeting minutes drafted for the August 9 and 13, 2019 Special City Council meetings and the August 20, 2019 Regular City Council meeting.

C3. Waive the Second Reading and Adopt Ordinance No. 43.212 Amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 “Parking Time Limited on Certain Enumerated Streets” (Staff Contact: Steve Chan, 408-586-3324)

Recommendation: Waive the second reading and adopt Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 “Parking Time Limited on Certain Enumerated Streets.”

C4. Waive the Second Reading and Adopt Ordinance No. 38.836 Amending Milpitas Municipal Code Title XI, Chapter 10 Sections Relating to Temporary Public Safety Facilities and Make Findings of Exemption from CEQA (Staff Contact: Rozalynne Thompson, 408-586-3278)

Recommendation: Waive the second reading and adopt Ordinance No. 38.836 amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to temporary public safety facilities and making findings of CEQA Exemption.

C5. Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Events from October 2019 through June 2020 (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Adopt a Resolution directing staff to fly city event celebration and/or commemorative flags at various events from October 2019 through June 2020.

C6. Adopt a Resolution Approving the Green Stormwater Infrastructure Plan as Required by the Municipal Regional Stormwater Permit (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a resolution approving the Green Stormwater Infrastructure Plan as required by the Municipal Regional Stormwater Permit.

C7. Adopt a Resolution Certifying Election Results and Adding Tract No. 10455 to Community Facilities District 2008-1 (Annexation No. 17); Approve Final Tract Map No. 10455; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1992 Tarob Court (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

1. Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10455 to Community Facilities District 2008-1 (Annexation No. 17).
2. Approve Final Tract Map No. 10455, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
3. Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast LLC.

C8. Approve Fiscal Year 2018-19 Year-End Budget Adjustments (Staff Contact: Walter Rossmann, 408-586-3111)

Recommendation: Approve the Fiscal Year 2018-19 year-end budget appropriations in the General Fund and Community Development Block Grant Fund.

C9. Approve Conceptual Plan for Sandalwood Park Renovation, Project No. 5110 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve the conceptual plan for Sandalwood Park Renovation, Project No. 5110.

C10. Award the Bid and Authorize the City Manager to Execute the Agreement with 2Meart.com for Citywide Clothing, Jackets, and Caps for the Five Year Contract Amount Not to Exceed \$205,250 subject to annual appropriations (Staff Contact: Chris Schroeder, 408-586-3161)

Recommendation: Award the bid and authorize the City Manager to execute the agreement with 2Meart.com for Citywide clothing, jackets and caps for the five-year contract amount not to exceed \$205,250 subject to annual appropriations.

C11. Adopt a Resolution to Authorize the Chief of Police to Execute the Grant Agreement with the Office of Traffic Safety to Accept the FY 2020 Office of Traffic Safety Selective Traffic Enforcement Program Grant and approve a budget appropriation in the amount of \$83,000 (Staff Contact: Captain Jared Hernandez, 408-586-2406)

Recommendation: Adopt a Resolution to authorize the Chief of Police to execute the Grant Agreement with the Office of Traffic Safety to accept the FY 2020 Office of Traffic Safety Selective Traffic Enforcement Program Grant in the amount of \$83,000 and approve a budget appropriation in the amount of \$83,000 to the Police Department overtime budget.

C12. Consider Mayor's Recommendation and move to appoint four current Alternate Members as Voting Commissioners and Re-appoint three members of the Milpitas Youth Advisory Commission (Contact: Mayor Tran, 408-586-3029)

Recommendation: Receive Mayor Tran's recommendation, and move to appoint four current Alternate Members (Saili Karkare, Yugam Satija, Fengyi Huang and Meghana Ambalathingal) as voting Commissioners and re-appoint three members (Ravit Sharma, Aruna Doreswamy and Saniya Shrotriya) to Milpitas Youth Advisory Commission to new terms that will expire in September of 2022.

C13. Appoint Councilmember Montano as a Regular Director and Deputy Public Works Director Elaine Marshall as Staff Alternate to the Silicon Valley Clean Energy Board of Directors (Staff Contact: Ashwini Kantak, 408-586-3053)

Recommendation: Consider and appoint Councilmember Montano as a Regular Director and appoint Deputy Public Works Director Elaine Marshall as Staff Alternate to the Silicon Valley Clean Energy Board of Directors.

C14. Authorize and Approve Travel to Long Beach, CA for four City Councilmembers along with Interim City Manager to Attend the Annual Conference of the League of California Cities held October 16-18, 2019 (Staff Contact: Ashwini Kantak, 408-586-3053)

Recommendation: Authorize and approve travel to Long Beach, CA for four City Councilmembers along with Interim City Manager to attend the Annual Conference of the League of California Cities held October 16-18, 2019, for a combined total expense amount not to exceed budgeted Conferences/ Meeting allocation for City Council and for City Manager's office.

C15. Consider Requests from Two Non-Profit Organizations for \$500 Donations each toward Hangeul Day Event at Milpitas Library and for Mid-Autumn Festival in Milpitas (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider applications from two Non-Profit Organizations for \$500 donations each and approve those for Hangeul Day on September 19, 2019 at Milpitas Library and for Mid-Autumn Festival at SJCC Milpitas Extension on September 28, 2019.

C16. Authorize Mayor's Response Letter to the 2018-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority" (Staff Contact: Ashwini Katak, 408-586-3053)

Recommendation: Authorize Mayor's response letter to the 2018-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority."

PUBLIC HEARINGS

17. Conduct a Public Hearing and Approve the City of Milpitas 2019 Public Health Goals Report on Water Quality (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

1. Receive public comments and then move to close the public hearing.
2. Accept and approve the City of Milpitas 2019 Public Health Goals Report on Water Quality in accordance with provisions of the California Health and Safety Code.

18. Conduct a Public Hearing and Consider the Approval of the Draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER) (Staff Contact: Sharon Goei, 408-586-3260)

Recommendations:

1. Open the public hearing, hear testimony, then move to close the public hearing.
2. Approve the draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER).
3. Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2018-2019 CAPER to the Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

19. Conduct a Public Hearing and Adopt a Resolution for the Summary Vacation of an Existing Public Service and Utility Easement at 1646 Centre Pointe Drive (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

1. Conduct a public hearing and move to close it, following any comments.
2. Adopt a resolution for the summary vacation of an existing Public Service and Utility Easement at 1646 Centre Pointe Drive.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies

NEXT AGENDA PREVIEW

20. Receive Preview List for the Next Regular City Council Meeting Scheduled for September 17, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 17, 2019

NOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

August 2019


S	M	T	W	T	F	S
4	5	6	7	1	2	3
11	12	13	14	8	9	10
18	19	20	21	15	16	17
25	26	27	28	22	23	24
			29	29	30	31

Milpitas City Council Calendar

September 2019

October 2019

S	M	T	W	T	F	S
6	7	1	2	3	4	5
13	14	8	9	10	11	12
20	21	15	16	17	18	19
27	28	22	23	24	25	26
		29	30	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 CITY OBSERVED HOLIDAY City Hall Closed 	3 6:00 PM -Closed Session 7:00 PM -City Council	4 1:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (San Jose) (RT) 7:00 PM -Community Advisory Commission (BN)	5 5:30 PM -Santa Clara VTA Board of Directors (RT) 5:30 PM -Milpitas Chamber of Commerce Board (CM)	6 7:00 -City Council Rules Subcommittee (RT/KD)	7
		2019 Study Mission Hosted by the Silicon Valley Organization Nashville, TN (City Manager, AP, & KD)				
8	9 8:30 AM -Santa Clara VTA I-680 Joint Powers Authority (by phone – San Jose) (RT) 4:30 PM -Economic Development & Trade Commission (KD) 7:00 PM -Parks, Recreation & Cultural Resources Commission (AP)	10 3:00 PM -City Council Housing Subcommittee (BN/CM) 6:00 PM City Council Study Session	11 7:00 PM -Planning Commission 7:00 PM -Silicon Valley Clean Energy Board of Directors (Cupertino)	12 4:00 PM -Santa Clara VTA Policy Advisory Committee (KD) 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 7:00 PM -Cities Assoc of SCC (CM) 7:00 PM -Youth Advisory Commission (AP)	13 *2:00 PM -Finance Subcommittee (RT/CM) 4:00 PM -City/MUSD Collaborative Subcommittee (RT/CM)	14 12:00 PM -Milpitas Police Community Outreach Event
15	16 9:30 AM -BAAQMD Stationary Source Committee – in Council Chambers 7:00 PM -Science, Technology, & Innovation Commission (BN) 7:00 PM -Library & Education Commission (CM)	17 7:00 PM -Closed Session 7:00 PM -City Council	18 6:00 PM -Energy & Environmental Sustainability Commission (BN)	19 4:30 PM -Economic Development & Trade Commission Special (KD) 6:30 PM -Bay Area Water Supply & Conservation Agency (San Mateo) (CM) 7:00 PM -Public Safety & Emergency Prep. Commission (KD)	20 9:00 AM -Santa Clara VTA Board of Directors Workshop (RT) 2:00 PM -VTA Safety, Security, Transit Plang & Ops Committee (RT) 7:00 -City Council Rules Subcommittee (RT/KD)	21
22	23 7:00 PM -Arts Commission (CM)	24 3:00 PM -City Council Housing Subcommittee (BN/CM) 6:00 PM -PG&E Public Safety Power Shutoff Community Meeting (Senior Center)	25 12:00 PM -Santa Clara Valley Water Commission (CM) 4:30 PM -Transportation Subcommittee (RT/CM) 7:00 PM -Planning Commission	26 12:00 PM -Terrace Gardens Board of Directors (BN)	27	28 10:00 AM -Milpitas Oktoberfest @ Civic Center Plaza
29	30					

**Finance Subcommittee will meet only as needed*

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of:	Special Meetings of Milpitas City Council
Date:	Friday, August 9, 2019
Time:	4:00 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Tran called special meeting to order at 4:02 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano, Nuñez and Phan

ABSENT: None

PUBLIC FORUM

None

**ANNOUNCEMENT
CONFLICT OF INTEREST**

City Attorney Chris Diaz asked if Councilmembers had any conflict of interest on any agenda item and all replied no.

**APPROVAL of SPECIAL
MEETING AGENDA**

By motion of Vice Mayor Dominguez and seconded by Councilmember Nuñez, the City Council approved the special meeting agenda by unanimous vote.

CONSENT CALENDAR

1. Citywide Community

Motion: to adopt the consent calendar including the following one action

Adopt Resolution No. 8894 directing a Ground Level Flag Ceremony with the flag of Pakistan at Milpitas City Hall Outdoor Plaza on August 14, 2019.

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

AGENDA ITEMS

2. Public Hearing

Deputy Fire Chief/Fire Marshal Albert Zamora presented a brief report of actions taken to date for the annual weed abatement program. At this meeting, Council was asked to hold a public hearing and then to adopt a resolution for the liens on the properties to be assessed, after weeds were cleared – and property owners notified - by the County Department of Agricultural & Environmental Management.

Mr. Moe Kumre from the County Agriculture office was present to answer any questions.

Mayor Tran opened the public hearing and no speakers came to the podium.

Mayor Tran asked staff for explanation of individual homeowners with overgrown weeds on their property and how to report those. From the County, Mr. Kumre replied to his question explaining the process of notification and inspection of properties, as performed.

The Mayor wanted staff to put out the information to the community. Mr. Kumre requested that the City be sure to include contact information for the County so those concerned could call or e-mail his office directly about the weed abatement program.

Councilmember Montano inquired about Caltrans properties with weeds. She asked whom to contact and the Fire Marshal said it was him. Mr. Zamora would then reach his contacts at the state agency requesting work done to clear weeds on state property in Milpitas. He complimented recent work done by Caltrans, especially at freeway on/off ramps.

(1) Motion: to close the public hearing, following no speakers

Motion/Second: Councilmember Montano/Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to adopt Resolution No. 8895 confirming tax assessments for weed abatement in 2019, for those properties listed by parcel number on the list provided by the Office of Santa Clara County Agricultural and Environmental Management to the City of Milpitas Fire Marshal

Motion/Second: Councilmember Phan/ Councilmember Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

3. Council Staffing

Assistant City Manager Ashwini Kantak addressed the Mayor and City Council regarding potential new staffing for the City Council, describing two proposed options. First option was to hire interns from nearby universities, while the second option was to hire professional staff at the Analyst level.

Councilmember Nuñez asked various questions about interns, time frame, and students. He supported Option 1.

Vice Mayor Dominguez sought someone pursuing a degree and favored Option 1 to help those young persons gaining experience. She wanted to have a “good fit” of each intern.

Councilmember Phan felt Option 1 had a lot of value for young adult and for Councilmembers. He did not want the City to limit to only two specific universities (Santa Clara University and San Jose State University, noted by staff), and to open up the opportunity to community college students.

Mr. Phan inquired as to who would supervise interns. City Attorney replied that City staff would need to supervise interns, while the work done and research requested would be directed by Councilmembers. Some guidelines for interacting with interns would be necessary for City Councilmembers.

Councilmember Montano agreed with Option 1 and felt it would create a symbiotic relationship for both intern and Councilmember.

Mayor Tran seconded the thoughts of Councilmember Phan’s so as not to limit interns only from political science or public administration studies, and not to exclude community college students.

The Assistant City Manager responded to Council, stating staff would bring back some guidelines, open the program to all areas of study to any full time college or university student, noting the working relationship and who can be hired along with information on how the program could be set up and how to hire an intern.

Councilmember Montano asked to make sure there would be parameters for interns. Also, if she was unable to use 20 hours of an intern’s service time, perhaps staff could use the intern.

Councilmember Nuñez said the City could use his office for the interns, since he was not in there very much.

No vote was taken on the City Council staffing matter, while staff understood and heard the clear preference for Option 1 (interns).

Following the conclusion of agenda item no. 3, a woman came forward who wanted to address the City Council for the weed abatement hearing.

City Attorney Diaz advised the City Council it could re-open public hearing for a speaker who arrived late.

Motion: to re-open the public hearing regarding weed abatement

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

Carol Chen, 32 year Milpitas resident and property owner, explained that she owned a parcel at Dixon Road near Milpitas Blvd. Last year, for the first time, she received notice of a lien on her tax bill for the trimming of weeds performed by a contractor. When she contacted the County staff, an adjustment was made. This year, she was unsure why she got a tax notice again for the same parcel.

Mayor Tran referred her to County staff Mr. Kumre and to the City Fire Marshal Mr. Zamora.

Motion: to close the re-opened public hearing regarding weed abatement, after hearing from one property owner/speaker

Motion/Second: Vice Mayor Dominguez/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CLOSED SESSION

City Council then departed from the dais to convene in Closed Session at 4:57 PM to discuss one item listed on the meeting agenda.

When City Council returned to the dais following the Closed Session, City Attorney Chris Diaz stated there was no announcement.

ADJOURNMENT

Mayor Tran adjourned the special meeting at 5:18 PM.

*Meeting minutes respectfully drafted and submitted by
Mary Lavelle, City Clerk*

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of:	Special Meeting of Milpitas City Council
Date:	Tuesday, August 13, 2019
Time:	6:00 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

**CALL TO ORDER
SPECIAL MEETING**

Mayor Tran called special meeting to order at 6:02 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano and Nuñez

ABSENT: Councilmember Phan was absent at roll call. He arrived in Closed Session.

CLOSED SESSION

City Council adjourned to Closed Session to discuss two matters listed on the agenda. Mayor and Council then convened at the dais at 7:42 PM for the remainder of the open session agenda items.

**ANNOUNCEMENT OUT
OF CLOSED SESSION**

City Attorney Chris Diaz announced that City Council authorized on 5 – 0 vote to allow for a holiday break period (near Christmas) and to authorize Human Resources Director Liz Brown to pursue side letters with three employee labor groups.

PRESENTATIONS

Mayor Tran invited City Council to the podium.

- Councilmember Montano helped the Mayor to proclaim *Women’s Equality Day* on August 26, 2019 and presented certificates to 13 local women. Vice Mayor Dominguez also presented recognition to local women.
- Mayor proclaimed August 2019 as *American Muslim Appreciation and Awareness Month*
- Councilmember Montano recognized Maria Lemery, long time Milpitas resident and activist to protect hillsides, for her service to the community over her lifetime.

PUBLIC FORUM

Francesco Lozzaro, resident, was part of the youth theater program and spoke of her experience with the youth program, in particular starring as Annie.

Joseph Weinstein, resident, spoke in appreciation of Milpitas Police Department, and commented on his experience on a recent ride-along.

Jackie Romero, was a resident and volunteer leader of Children’s Theater Program, the Milpitas community theater in the city. She thanked City Council for funding the program throughout the years, showing support of the program. She asked to find a bridge program to help kids.

Lorenzo Maceo of San Jose, spoke of his experience participating in the theater program and its value to him personally.

Megan Zamora, 13 year old participant in the theater program, asked to keep the theater.

Mikayla, 16 year old Milpitas resident, thanked the Council for support for Center Stage Performing Arts and was a participant since she was 8 years old. Cared a lot for director Mei Wan.

Maria Dang, from San Jose, spoke in favor of “CSPA” Center Stage Performing Arts and its value to kids in the arts.

Allysson McDonald, resident, appreciated the awards given out earlier. She supported CSPA even when it was Rainbow Theater. She wanted support for renters and protection for renters.

Darius, involved with CSPA for over two years, since he was age 9. He loved the community and the welcoming family feeling to him and his sister.

Councilmember Phan wanted the Council to respond to the kids speaking however he confirmed this matter was not on the agenda, as noted by City Attorney. He requested to place this on a future agenda. Staff to come up with more information for the City Council, regarding the current program and later, for the Council to respond to them.

Councilmember Nuñez supported what Mr. Phan said. Also, the City Manager had been active in trying to get a resolution on this matter. Mr. Nuñez wanted Mr. McHarris to reveal what came up in meetings to date that could assist these residents.

Interim City Manager Steve McHarris reported that staff had discussions with theater leadership, and discussed ideas. Staff was following Council direction at the budget time to fund it, but not re-sign a contract, to study and come back to City Council. This topic was scheduled for October 1, 2019 Council meeting date. Staff would include all considerations about performing arts in Milpitas. A public meeting scheduled following day.

Mayor Tran had issue with the decision to suspend the Center Stage Theater program during any budget meeting of the City Council. He recalled exploring different areas only, so he was shocked if the program was cut. He wanted to revisit footage of the meeting, and he wanted to hear back precisely was said and voted upon at the budget meeting.

Evelyn Chua, resident, said her family was always in support of Rainbow Theater, and then Center Stage Performing Theater as a great way of expressing feelings by young people. Allow them to continue performing while solutions were worked on.

Tim Bradford, student, was long involved in the theater program, similar to his siblings before him. It helped young people with being able to do public speaking.

Natalie Bradford, student resident of San Jose, had been in the theater over 10 years. She had done shows at other theaters, and none were as family oriented as Milpitas.

Logan Hernandez Baker, age 1, had 5 participated since she was a youngster in the theater. She had put together a video to show the City Council.

Lisa Baker, mother of two daughters who were in theater program over the last 8 years. She provided some history on theater that started in 1983. She implored continuing the program.

Kristin Dang was youth from San Jose and a five-year participant in the theater.

Cameron Bradford, student participant for nine years in theater program, was impacted by his sister's involvement in the theater when she was in Aladdin. He's in college studying theater arts.

Todd Bradford, San Jose parent of five children who'd been participants of Children's Theater Program, over last many years. His family had contributed personally to all the shows.

Christy Bradford, mother of five kids involved in the theater program and in Rainbow Theater when she was young. Their financial commitment was worth every penny, especially when all five were in the last show "Newsies." She asked Council to renew the contract.

Lisa Moreno, Milpitas resident since 1973, with her daughter Madison in the theater since 2007. She thanked City Council for support in the past many years. She wanted City support, as she'd asked for in 2012.

Martin Rios, resident, spoke of rent going up often. People have been getting evicted. He worked every day and wanted City Council to help out in this situation.

Chris Rios, resident, spoke of being born in Texas in poverty then he went on full scholarship to Stanford. His family struggled since moving to Milpitas in 2016. Egregious rent increases had occurred since he came here. He spoke of the ownership group that owned his apartment complex from out of state and complained of poor conditions.

Councilmember Nuñez asked the City Manager to have the code violations investigated at Mill Creek apartments, and supported by Councilmember Phan.

Veronica Salcedo, resident and tenant in Milpitas, asked when City Council would have an emergency ordinance for tenant protection. She was getting charged for parking spaces, and so extra fees were hurting the family. This needs action by Council.

Sandy Perry, Affordable Housing Network of San Jose, had attended Housing Subcommittee meetings and supported their work. On a Rental Assistance Program coming out of that, when he saw criteria, it was not designed to solve the problem that existed in Milpitas. Eligibility was an issue in that proposal. Consider rent control to address the fundamental issue.

Anurag Pal, of Assemblyman Kansen Chu's office, supported the theater program; and he submitted a letter this date to the City Clerk.

Vice Mayor Dominguez thanked Mr. Pal, and asked him if he had money for the arts. She appreciated the Assemblymember and needed funding for Milpitas.

William Au, resident, supported rent control and just cause. He'd rented for more than 15 years in Milpitas. City needs an emergency relief program set up soon, as renters were treated unfairly.

Rich Burquaardt, resident, spoke on the rent control issue. He was laid off from high tech job in 2016. He applied for social security and then looked for a place to rent.

Steve Gilliam, resident, spoke in support of the arts. He read a speech, noting he had coached youth sports in Milpitas. He gave strong support for the youth theater program.

Joseph Ehardt, Milpitas Historical Society, gave a report to City Council about the result of a donation made to MHS for its tour in June. He handed in a written report for the Council.

Janice Smitz, lived in Milpitas for 32 years, had two kids involved in Rainbow Theater for many years. One child became a sign language interpreter. She fully supported the program.

Berta Rios, Milpitas resident, had been a renter for three years in Milpitas. She'd been victim of a predatory landlord. There were serious housing and health concerns.

Ana Narajo, resident, addressed City Council in Spanish while Vice Mayor Dominguez translated. She said it was time to help the community. She spoke of high rent and a need for just cause while Council knew the problems. Her family needed help.

Voltaire Montemayor, resident, wished he could do theatrical speaking. He stated there was no segregation in Milpitas, with equality for women. All religions were respected in Milpitas.

Frank DeSmidt invited all to special events of the Milpitas Chamber of Commerce and Milpitas Rotary Club, including a Casino Night in September.

Rob Means, 1421 Yellowstone resident, was trying to advance a transit project for Personal Rapid Transit across the city. He discussed a community owned project and asked to put it on a future agenda to discuss his project and how to proceed.

At 8:53 PM, the public forum concluded.

Mayor Tran directed staff, regarding Performing Arts, to review what took place at the Council meeting for the budget adoption in June and to review what was said by Councilmembers and direction given to staff regarding the youth theater program.

City Attorney Chris Diaz responded that the City Council was restricted on the subject to coming back at a future meeting.

Mayor Tran spoke of Milpitas as a special place, and even folks from San Jose even come over here. Special to see so many people coming to speak on the community theater program tonight. He repeated that he was not made aware that Community Theater would be suspended, when he voted to adopt the budget. Unless he had evidence about suspending the program, then hard for him to accept. Wanted this to be corrected.

Vice Mayor Dominguez spoke of her main duty as a Councilmember and talked about good governance. Keep up with their own policies and she was concerned for residents' time. She asked her colleagues, regarding Rules Subcommittee emergency clause, Councilmembers needed to submit a request by last Friday.

Mr. Diaz wanted the Council to remain Brown Act compliant. Councilmembers needed not to comment further on the the topic.

Councilmember Phan said October 1 was when this item would be discussed and then residents would have a better opportunity to engage on that date. He thanked all the speakers for coming to this meeting.

Councilmember Nuñez thanked the community for coming out to the meeting. He noted that the City Manager had certain jurisdiction to do things, that did not have to come back to City Council. He encouraged residents to keep the City Manager involved when communicating with City officials.

Councilmember Montano recalled the budget meeting, and why the theater program was brought to Council's attention had to do with residents who brought concerns of not being able to rent the facility due to dates taken by the theater. The bottom line was that all Council did want the arts in the City, including the theater program and a theater for the performing arts. She recommended the city seek matching funds.

Councilmember Montano spoke to the residents on rent control, and that there was a bill in the state legislature on that topic that would affect the entire state.

Mayor Tran asked to look at public records of the past budget Council meeting. If there was nowhere that the theater program would be suspended or if the City Manager did so without Council direction, then the City Council could also do the same to maintain it.

ANNOUNCEMENT

City Attorney Chris Diaz asked if Councilmembers had any conflict of interest on the agenda items and any campaign contributions, and all replied none.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar including agenda items no. 1, 2 and 4 - 7

Mayor Tran had one question on an HVAC issue at Milpitas Fire Station 1. He asked staff if that was being looked into and taken care of.

Councilmember Nuñez wanted to remove item no. C3 from consent.

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

C1. Council Calendars Accepted City Council calendar for August 2019.

C2. Meeting Minutes Approved City Council meeting minutes of June 11 and 18, 2019.

3. Veterans Commissioner Councilmember Nuñez wanted it written down that there was an exception to the rule regarding Commissioner term limits of three terms. Due to a relatively low number of veterans, the City Council would allow these residents to serve more than the limit. Staff confirmed this practice.

Motion: to receive Mayor Tran's recommendation and re-appoint Commissioner Art Ebright to the Milpitas Veterans Commission to new three-year term that will expire in February of 2022, with exception to established term limits. Motion included requesting staff to ensure the Veterans Commission by-laws could be amended to memorialize this practice for the Veterans Commission only.

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

C4. Lease for Temp. Fire Station No. 2 Approved and authorized the City Manager to execute a Lease Agreement for a temporary fire station located at 1126 Yosemite Drive by and between the City of Milpitas ("Tenant") and Casetronic Engineering Group ("Landlord") for a term of two years plus two six-month options, for a total of three years, commencing on August 13, 2019.

C5. Water Bottle Refill Station Approved and awarded a construction contract with Hoi's Construction, Inc. for the Water Bottle Refill Station Installation Project in the amount of \$178,000. Authorized the Director of Public Works to execute contract change orders without any further City Council action except for appropriation of funds.

C6. Report of Emergency Repair Work Received a report from the Public Works Director for the emergency remediation work at the Police/Public Works Building, and authorized payment of invoices from Indoor Restore Environmental Services and SB Construction, for a total amount of \$33,399.50.

C7. Report of Emergency Repair Work Received a report from the Public Works Director for the Purchase and Installation of McQuay Turbocor compressors for the Public Works/Police Department Building and authorized payment of invoices from Dormatech in the amount of \$198,375.

COMMUNITY DEVELOPMENT

8. Terrace Gardens Board of Directors Building & Housing Director Sharon Goei gave a presentation on staff requested actions related to Terrace Gardens Senior Housing apartments. Legal action was needed related to the Board of Directors membership and disposition of surplus cash at Terrace Gardens, related to the established non-profit organization. \$114,890 was the total surplus cash to be disbursed.

Councilmember Montano asked what oversight the City had concerning Terrace Gardens. She felt there needed to be an audit for accountability. Staff responded it could ask for that via the Board of Directors.

The City Attorney replied that the City had some rights to request information and reports, and had the right to demand corrections, per the regulatory agreement.

Councilmember Nuñez did not agree with joining the two items together for discussion. On No. 8, Mayor Tran was correct that even if City representatives were not on the Board, the City of Milpitas still had a role to play to check into anything that was wrong. The City can do code enforcements. He'd been concerned about serving on that Board, and then voting recently on Community Development Block Grant funds allocated by the City Council.

Mayor Tran asked for staff put. He wanted to support staff as long as the City did not lose power. Staff said that the City would still have oversight, per existing regulatory agreement. Also, the City could do audits on all City below-market-rate (BMR) units within the City.

Councilmember Nuñez wanted to confirm that this was a "request" to Terrace Gardens, and wanted to know what happened if it was not accepted by that agency.

The City Attorney said the City would ask the Terrace Gardens Board and acknowledge that the City Council could ask for those seats back in the future.

Councilmember Montano would like to see the City still represented on the Board of Directors.

Councilmember Phan said this was a question of administrative function of having a Board member at Terrace Gardens. The City could still have a presence but it did not necessarily have to be a City Councilmember. He compared to the Chamber of Commerce, which had a "Council liaison" to the Board of Directors. He suggested something similar could occur on the Terrace Gardens Board, via a transition period, without the same duties and responsibilities of a Board member. Councilmember Nuñez liked Mr. Phan's idea.

Motion: to authorize the City Manager (or his appointee) serving on the Board to request the Board of Directors at Terrace Gardens to amend the by-laws to remove the City Council-member's seat and City Manager's seat from the Board composition, and include asking the Board for a liaison type position, and to allow for the potential to ask again in the future to return to having a voting Board member, if desired

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

9. Terrace Gardens transfer of surplus

Next, Ms. Goei explained the terms of the regulatory agreement, which required approval by City if the Terrace Gardens Board ever needed to disburse excess surplus cash, as requested at this meeting. She responded to various questions from Councilmembers regarding this very first time request for excess funds to be transferred into their Replacement Reserve Account fund.

Mayor Tran asked a question about Terrace Gardens was funded and a representative from the John Stewart management company came forward. She said most funding was from the rent paid by tenants.

Councilmember Phan thought this was a straightforward request, and with a similar approach to City Council moving any extra money into reserves when planning its budget.

Councilmember Montano agreed the surplus funding should go into a reserve fund.

Councilmember Nuñez agreed with the Mayor, that dollars should stay here with the City.

City Attorney Diaz answered the City Council about where the funds could be placed, related to housing concerns, by putting the funds into a line item that exists for affordable housing rather than the Housing Authority budget.

Motion: to approve receipt of Terrace Gardens' transfer of surplus fund (and not confirming the request from Terrace Gardens for those to be placed into reserves) and to put those funds of \$114,890 into the Affordable Housing fund in the City budget line item

Motion/Second:

Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

COMMUNITY SERVICES

10. Ordinance No. 43.212 for time limited parking

Transportation Engineer Steve Chan gave the background report about concerns when the BART station in Milpitas opened. A parking study was done by consultant Nelson\Nygaard on the parking issues and how people would respond to restrictions in the neighborhood around the station. He reported how Fremont and San Jose limited parking near transit stations.

Milpitas staff recommended on street parking limited to four hours between specified daytime hours within ½ mile radius of the BART station, to be enforced by the Milpitas Police Department. The parking fine would be \$65.00.

Councilmember Montano asked how enforcement would be done. Police Chief Corpuz said Police would conduct enforcement and issue citations. The method for doing so would be determined in the future, along with more discussion of fines and fees, as set.

Councilmember Phan was intrigued about license plate technology, and would like to look into best use of technology instead of having officers patrolling to issue parking tickets. Patrolling the area for crime concerns would be better. Try to automate the process.

Councilmember Nuñez –wanted to know if the tickets being given out would be cost recovery, and if the budget anticipated this program. Chief Corpuz said the city adjusted fees for variety of reasons. New Community Service Officers would help with an increased workload and growth of the City.

City Attorney Chris Diaz read aloud the title of Ordinance No. 43.212, “An Ordinance of the City of Milpitas Amending Title V, Chapter 100, Section 15.06 “Parking Time Limited on Certain Enumerated Streets” of the Milpitas Municipal Code.”

Motion: to waive the first reading beyond the title and introduce Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 “Parking Time Limited on Certain Enumerated Streets”

Motion/Second:

Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of:

AYES: 5

NOES: 0

LEADERSHIP

11. Ordinance No. 301 for update of Milpitas Municipal Code (various sections)

City Attorney Chris Diaz walked the City Council through the list of changes requested in the proposed ordinance to amend and update the codified Municipal Code in various sections.

Mayor Tran commented about Building & Safety proposed to become the Building & Housing Department. He did not favor losing the word “Safety” in the department name. The Assistant City Manager responded that Housing staff were brought over to join the Building Department although safety matters were not removed.

City Attorney Chris Diaz suggested calling it Building Safety & Housing (in the ordinance text) and that was acceptable to most of the Council.

Councilmember Phan was reluctant to proceed with any of the changes related to positions and position titles.

Councilmember Montano would like to take those positions off.

Mr. Diaz replied to her stating that Sections 20 and 21 could be deleted, as proposed in the draft ordinance text (regarding severance payments specified and positions exempt from competitive service).

Councilmember Nuñez agreed with his colleagues. Maybe there was uncertainty about additions to the municipal code. He'd rather have those two positions come back to City Council, with more information, at a later time.

City Attorney Chris Diaz read aloud the title of Ordinance No. 401, "An Ordinance of the City Council of the City of Milpitas Amending Various Sections of Titles I, II, V, VI, XI and XII of the Milpitas Municipal Code to Make Corrections, Clarifications, Minor Updates and Modifications."

City Attorney and Councilmembers said there could be follow up conversation around budget time on the additional positions in the sections the Attorney would remove from the draft ordinance language.

Motion: to waive the first reading beyond the title and introduce Ordinance No. 301 amending various sections of Titles I, II, IV, V, VI, XI and XII of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications; and, to change Building & Housing to Building Safety & Housing as the updated department title, and the action did not include Sections 20 and 21 as proposed

Motion/Second: Councilmember Nuñez/Vices Mayor Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Tran adjourned the special meeting at 10:53 PM in honor and in memory of the CHP law enforcement officer in Riverside, CA who lost his life earlier on August 12. He requested a moment of silence before the meeting concluded.

*Meeting minutes respectfully drafted and submitted by
Mary Lavelle, City Clerk*

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of: **Joint Meeting of the Milpitas City Council and Milpitas Public Financing Authority**
Date: **Tuesday, August 20, 2019**
Time: **6:00 PM Closed Session**
7:00 PM Open Session
Location: **Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas**

CALL TO ORDER Vice Mayor Dominguez called the joint meeting to order at 6:00 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Vice Mayor Dominguez, Councilmembers Montano, Nuñez and Phan

ABSENT: Mayor Tran

CLOSED SESSION City Council convened in Closed Session to discuss two matters listed on the agenda.

City Council convened at the dais for the Open Session regular agenda at 7:22 PM.

ANNOUNCEMENT City Attorney Chris Diaz stated out of Closed Session there was no reportable action.

PLEDGE Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION Councilmember Phan offered his assignment to Councilmember Nuñez, who commented briefly.

PUBLIC FORUM Rob Means, 1421 Yellowstone resident, mentioned a recent scathing Santa Clara County Civil Grand Jury Report issued regarding the services of the Santa Clara Valley Transportation Authority. He quoted from the report.

Councilmember Nuñez asked if City administration would address the issue raised by Mr. Means. Interim City Manager McHarris reported that staff was working on a letter of response to the grand jury report.

Inderjit Mudra, resident, commented on industrial land use and use of chemicals. Vice Mayor Dominguez asked him to wait until the agenda item (ordinance, item no. 13) to speak.

Frank DeSmidt, from Chamber of Commerce and Milpitas Rotary Club, announced several upcoming events in Milpitas.

ANNOUNCEMENTS Interim City Manager McHarris stated that two items were advertised for Public Hearings on this date. However, those would not be heard and would be rescheduled for later Council meetings. Regulating Short Term Rentals was to be rescheduled on September 17 while a hearing related to 2019 Adjustment of Transit Area Specific Plan fees would move to a later date.

Councilmember Nuñez commented that the previous Tuesday (August 13), Councilmember Montano had distributed certificates to women, and on Saturday he attended a women's event at San Jose State University. One speaker was Vice Mayor Dominguez, along with many women he highly admired. He displayed a t-shirt he'd received. Vice Mayor Dominguez followed his remarks, inviting all to a women's march in San Jose on August 26.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Montano/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

CONSENT CALENDAR

Motion: to approve the consent calendar including agenda items no. 2, 6 – 10, and 14

Councilmember Nuñez requested to remove items no. C1 and C5 from consent.

Councilmember Phan requested to add no. 14 (assistance programs) to consent.

Councilmember Montano requested to remove items no. C3, C4, and C11.

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

Though removed from consent upon this vote, later in the evening, items no. 1, 3, 4, and 5 were approved upon being returned to consent in one additional unanimous vote.

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|--------------------------------|--|
| C1. Council Calendars | Accepted City Council calendar for August and September 2019. |
| C2. Adopt Ordinance No. 38.834 | Waived the second reading and adopted Ordinance No. 38.834 amending Milpitas Municipal Code, related to zoning to establish an administrative hearing process. |
| C3. Adopt Ordinance No. 172.6 | Waived the second reading and adopted Ordinance No. 172.6 amending Milpitas Municipal Code, Title III, Chapter 6 relating to massage establishments and practitioners. |
| C4. Adopt Ordinance No. 301 | Waived the second reading and adopted Ordinance No. 301 amending various sections of Titles I, II, IV, V, VI, XI and XII of the Milpitas Municipal Code to make corrections, clarifications, minor updates and modifications. |
| C5. Adopt 2 Resolutions | Adopted Resolution No. 8996 of the Milpitas City Council and Resolution No. PFS 25 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information. |
| C6. Adopt Resolution | Adopted Resolution No. 8997 approving the Investment Policy for FY 2019-20. |
| C7. Adopt Resolution | Adopted Resolution No. 8998 granting acceptance of public improvements for the McCarthy Creekside Phase 1 – Buildings A, B and F Subdivision at 625 N. McCarthy Blvd, Tract 10393, Public Improvement Plan No. 2-1213 & 2-1222; approving a reduction in the faithful performance bond to \$60,300, subject to and in effect for the duration of a 1-year warranty period; and granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further Council action provided all required warranty work is completed to the satisfaction of the City Engineer. |

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| C8. Approve Agreement | Approved and authorized the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 1 Owner, LLC for the District 1 Lot 1 mixed use project at 1315 McCandless Drive. |
| C9. Approve Agreement | Approved and authorized the Interim City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for The New Home Company Northern California LLC and Ellison Park Community Association for the Ellison Park residential project at 231, 247, 271 Houret Drive and 1757 Houret Court. |
| C10. COPS grant | Accepted the additional FY 2018 Citizen Options for Public Safety (COPS) grant funding in the amount of \$56,242.63 and approved a budget amendment. |
| 11. Approve Travel | Councilmember Montano had removed this item – seeking approval for officials’ travel to Nashville, TN - from consent. She felt that the City’s Economic Development Director should also attend the conference. The City Manager responded that Mr. Alex Andrade was included in this conference, but his travel did not require a vote of the City Council, as did his own and Councilmembers. |

Motion: to authorize and approve travel for Vice Mayor Dominguez, Councilmember Phan, and Interim City Manager McHarris to attend the 2019 Study Mission in Nashville, TN from September 3 - 6, 2019 hosted by the Silicon Valley Organization, for a combined total expense amount not to exceed budgeted Conferences/Meeting allocation of \$9,000

Motion/Second: Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of:

AYES:	4
NOES:	0
ABSENT:	1 (Tran)

Due to the late hour, Councilmembers agreed to vote on remaining items that had earlier been pulled from consent. Councilmembers Montano and Nuñez rescinded their prior request for removal and asked to vote on the items.

Motion: to approve agenda items no. 1, 3, 4, and 5 listed on consent.

Motion/Second: Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of:

AYES:	4
NOES:	0
ABSENT:	1 (Tran)

Interim City Manager McHarris recommended that the City Council hold off on agenda items no. 15 (facility use manual) and no. 16 (direct policy on training & events) until all members were present. He thus requested to carry those over to the Council meeting on September 17.

Councilmember Montano said that maybe the group could discuss those topics at the scheduled retreat (August 30 special meeting).

Councilmember Nuñez had prepared several agenda item request forms and asked if those had been sent to or received by the City Manager. He had five topics to request: community museum and park per Historical Society; Social Media; renaming of Dixon Landing Road to Barack Obama Blvd; feasibility study of community theater; and, commendation and proclamation process. He handed his forms to Vice Mayor Dominguez for the Rules Subcommittee to receive and review, submitted by himself and Councilmember Phan.

PUBLIC HEARINGS

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| 12. Development at 2001 Tarob Court | Planning Director Ned Thomas introduced Planner Lillian Hua who gave a presentation detailing the 40-unit condominium residential development project at 2001 Tarob Court in the Transit |
|-------------------------------------|--|

Area Specific Plan area. The project was submitted by The True Life companies and was the latest of its projects near the new Milpitas BART station.

Vice Mayor Dominguez opened the public hearing. She requested the developer's representative to address the City Council first.

Ms. Leah Benison from The True Life Companies presented the developer's proposal for its third development out of four in the Transit Area on Tarob Court. She described the rationale for the request to pay an in lieu fee toward affordable housing, rather than build the required number of affordable units (6) in the project.

Councilmember Montano confirmed some of the environmental features. She inquired about the art required and that the developer would pay a fee into the City's public art fund (\$69,469 was the estimated amount).

Councilmember Nuñez commented that developer did not plan to build the project and asked if that was a plus or minus. The Planning Director responded this was same practice followed by True Life in its previous projects, which sold its last two to Toll Brothers company to build. Mr. Thomas expressed that staff disagreed with the developer's request on the fee versus building affordable units, as required in the Council adopted affordable housing ordinance. He went on to define three possible exceptions to the requirement for affordable housing, and those findings could not be met.

Councilmember Nuñez asked about timing of the projects, and following the new affordable housing ordinance application to existing development projects.

Councilmember Phan reviewed the timeline of project actions with Ms. Benison. He asked her many questions about timing, funding, maps, and steps toward anticipated actions this evening. He commented on the public art fee to be paid by developer and the control on the art piece by the residents of the city.

Councilmember Nuñez asked staff to review the slide listing possible exceptions rather than building affordable housing units in the project. He asked the City Attorney questions on the number of units, and if that was adjustable.

The public hearing continued with the following speakers.

John Agg, resident and Chair of the Arts Commission, applauded the developer and appreciated comments by Councilmember Phan about public art. He felt the funds contributed to the public art fund could be used at the nearby planned park or within the city.

Rob Means, 1421 Yellowstone, spoke of global warming. He said all developers' goal was to increase their profits. He did not favor giving an exception to the developer on the affordable housing requirement.

(1) Motion: to close the public hearing, following three speakers

Motion/Second:

Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Tran)

Councilmember Phan noted that time affected construction costs for any development. He favored the project as proposed at this meeting and would support it.

Councilmember Nuñez agreed with most of what Mr. Phan said, and wanted a strong relationship with developers that come to Milpitas. He referred to nearby cities in the news this date on lack of housing getting built. He favored some compromise with the developer on the

number of units for affordable housing and allowing for payment of the in lieu fee toward affordable housing.

Councilmember Montano said the bottom line was to build affordable housing in Milpitas.

Councilmember Phan asked if the developer would add more affordable housing units into future projects.

Vice Mayor Dominguez stressed the need to build in Milpitas to gain affordable housing and to work in relationship with developers. She would approve the project.

The City Attorney said he heard a consensus regarding the exception requested by the developer to allow payment of an lieu fee, instead of building six affordable units. This would be in favor of a Resolution with the exception included. Findings would need to be made.

(2) Motion: to approve the residential development project at 2001 Tarob Court by The True Life Companies, as presented, and to consider the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR). As a separate and independent basis, consider the exemption from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15182 (Project Consistent with a Specific Plan), 15183 (Project Consistent with the General Plan), and 15168 (Projects Consistent with a Program EIR).

Motion included adoption of Resolution No. 8899, which would be an alternate version of the project approval resolution (not the one presented in the Council agenda packet), including findings for allowing an exception to the requirements of the affordable housing ordinance. City Attorney stated the resolution with the findings would need to come back to the City Council as an information item on consent at a future meeting, most likely on September 17 when all members would be present.

Resolution was approving Site Development Permit (SD18-0014), Conditional Use Permit (UP19-00090, Vesting Tentative Map (MT18-0004), and Environmental Assessment (EA19-0002) to allow development of a 40-unit residential condominium building, up to 49 feet in height (four stories), with parking for up to 74 vehicles, on a 1.22-acre site located at 2001 Tarob Court, and allowing the applicant's request for an exception to the Affordable Housing Ordinance.

Motion/Second:

Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Tran)

At 9:10 PM, City Council moved on to Item No. 13 to allow staff to gather the alternate Resolution and come back for voting later on the action items for No. 12. Council then voted as noted above.

13. Ordinance No. 38.836 related to Zoning for Nonindustrial Land Uses, and others

Planning Director Ned Thomas introduced the request for introduction of an ordinance to amend the City's zoning code related to three land use topics. Several City staff would discuss the uses: Economic Development Director Alex Andrade, Deputy Fire Chief/Fire Marshal Albert Zamora and Senior Planner Rozalynne Thompson.

Mr. Andrade defined and described the amendment for zoning related to public safety uses, with the desire to protect industrial land for companies and maintaining jobs, while permitting the site locations needed for public safety facilities, such as fire and police stations.

Mr. Zamora spoke of concern about non-industrial assembly uses in heavy industrial zones, and he explained sensitive receptors and the need to clearly identify those when unique uses were requested by applicants.

Ms. Thompson provided background on Assembly Uses, and a previous text amendment to the Municipal Code.

Next, Vice Mayor Dominguez opened the public hearing.

Inderjit Mundra, resident, said there was no mention of how dangerous the chemicals in an industrial area could be. Even though Conditional Use Permits were issued for assembly uses in the past, he was not sure how they could have done so. It was a huge burden if anything negative happened.

Bob Livengood, speaking on behalf of Milpitas Charity Bingo, said his facility would become a legal non-conforming use with bingo games in industrial area. He and other businesses like his would propose to City Council to allow current Use Permittees the potential to expand up to 20% of their footprint within the next couple years, despite being non-conforming.

Casey McNeil, resident and worker in the City, was employed by Flex which had been around here for 50 years (formerly Flextronics). Manufacturing was what took place at Flex sites in Milpitas. He emphasized the building for specialized manufacturing of products right here in the City, with 2000 jobs in Milpitas. He and his company would like to see continued manufacturing uses in the area.

Councilmember Nuñez was fine with changes presented. He asked if the staff recommended to include what Mr. Livengood asked to added. Staff said no, based on the Planning Commission recommendation.

Councilmember Montano agreed with staff on not permitting further expansion of legal non-conforming uses in an industrial area. Take a hard stand for the greater good of the community and maintain the City's industrial base, with no concessions.

Fire Marshal Zamora addressed On Demand Mobile Fueling Operations, identifying several companies in business which staff seeks to regulate within the city. He detailed mobile fueling devices versus fixed location gas stations. Nearby shopping malls had requests for mobile fueling permits that were not approved, and the Great Mall had had a temporary permit after a brief trial of 60 days. He responded to various questions from the City Council.

Senior Planner Thompson next discussed the zoning amendment needed for mobile fueling services. She described which zones (industrial) this was proposed for operation through issuance of a CUP. She responded to various questions from the City Council.

Next, the Vice Mayor sought public comment on the fueling part of the code amendment.

Inderjit Mundra, was on the Chamber of Commerce Board, and saw text in the ordinance about insurance requirements, limiting the number of company vehicles, subject to yearly review. He felt limiting the number of vehicles hurt the business in the growing economy.

Two Booster Fuel executives made a presentation on their company and the vehicles that Booster used. No underground storage tanks which was more environmental, with no spillage.

Michael Kasparzak, from Mountain View spoke on behalf of Fill, another mobile fueling company. It had suspended residential delivery in the Bay Area, but it did provide that across the country. He was disappointed in the ordinance by moving this service to potentially be located only in the industrial area. He mentioned Walmart as a potential location.

Economic Development Director Andrade spoke next on the Public Safety Facility Uses in industrial areas. This change in the zoning part of the municipal code was to allow use at 1126 Yosemite Drive for a temporary Fire Station No. 2.

Vice Mayor Dominguez asked for any more speakers.

Voltaire Montemayor, resident, said okay on fueling service, as long as it was safe and not impacting others, for him, it should be ok.

(1) Motion: to close the public hearing, following 6 speakers

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

City Attorney Diaz said he heard consensus on the first element of nonindustrial uses.

Councilmember Phan wanted to consider a request to pipeline the legal non-conforming uses. Mr. Diaz replied it was not included in the ordinance text as presented, while staff could bring it back at another meeting.

Vice Mayor Dominguez suggested a poll on the first section. The City Attorney orally asked for those in favor and found just two possibly to vote for the exception requested. One member wanted to defer.

Next, regarding the mobile fueling businesses zoning section, the attorney inquired how many were accepting of the changes. There were a variety of viewpoints expressed, while the majority did not want to vote to adopt the assembly use changes at this meeting. Staff responded that it could return at a later date with an ordinance for those zoning changes. Mixed reactions were given on the mobile fueling, but no majority support.

Motion: to reject the staff recommendation on mobile fueling regulations in an ordinance

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 3
NOES: 1 (Montano)
ABSENT: 1 (Tran)

The last segment of the ordinance dealt with temporary uses for public safety. There was consensus to support that zoning amendment, so the vote proceeded.

Acknowledging that the title of the ordinance would need to be modified to remove reference to the sections that would be deleted from the draft ordinance, City Attorney Diaz read aloud the title of Ordinance No. 38.836 as presented, “An Ordinance of the City Council of the City of Milpitas Amending Sections of Chapter 10 of Title V of the Milpitas Municipal Code Relating to Assembly Uses, Mobile Fueling Uses, and Temporary Public Facilities and Making Findings of CWQA Exemption.”

(2) Motion: to waive the first reading beyond title and to introduce Ordinance No. 38.836 amending Milpitas Municipal Code Subsection 13.11 (“Temporary Uses and Structures”) - not including any zoning changes for regulation of mobile fueling facilities nor amending zoning in industrial areas of the city

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

COMMUNITY DEVELOPMENT

C14. Resolutions for two Assistance Programs

This item was added to consent. Adopted Resolution No. 8900 approving establishment of the Milpitas Assistance Program and Resolution No. 8901 approving establishment of the Milpitas Residential Building Incentive Program.

LEADERSHIP

15. Facility Use Manual

This item was not heard.

16. Direction on Policy for Training and Events

This item was not heard.

NEXT AGENDA

17. Preview next agenda

Noted receipt of list of agenda items for September 3, 2019 City Council meeting agenda.

ADJOURNMENT

Vice Mayor Dominguez adjourned the joint meeting at 11:35 PM.

*Meeting minutes respectfully drafted and submitted by
Mary Lavelle, City Clerk*



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive The Second Reading and Adopt Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets"
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2019
Staff Contact:	Steve Chan, 408-586-3324
Recommendation:	Waive The Second Reading and Adopt Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets"

Background:

On August 13th, 2019, the City Council introduced and conducted the first reading of Ordinance 43.212 to amend Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets" to limit on-street parking to a 4-Hour period from 7am to 6pm, Monday – Friday, on public streets within a half mile radius from Milpitas Transit Center. Proposed streets include the following:

<u>STREET</u>	<u>LENGTH</u>
• Gladding Court	Entire
• Piper Drive	Entire
• Merry Loop	Entire
• Garden Street	Entire
• McCandless Drive	Great Mall Parkway to Penitencia Creek
• Centre Pointe Drive	Entire
• Jubilee Drive	Entire
• Expedition Lane	Entire
• Momentum Drive	Entire
• Watson Court	Entire
• Pectan Court	Entire
• Sango Court	Entire
• Tarob Court	Entire
• Houret Drive	Entire
• Houret Court	Entire

Ordinance No. 43.212 is now ready for a second reading and adoption.

Policy Alternative:

Alternative 1: Do not amend Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets"

Cons: Vehicles may park continuously on streets for up to 72 hours in the same spot without movement per Muni Code V-100.03, Use of Streets for Storage of Vehicles Prohibited.

Reason not recommended: Available on-street parking spaces for residents would likely to be limited and difficult to find. The implementation of on-street parking restrictions would help provide space turn over during the daytime.

Fiscal Impact:

The approved 2019-2024 Capital Improvement Program (CIP) document includes Project No. 2017 TASP On-Street Parking Program. This project is funded in FY 2019-20 and provides funding for the installation of the parking restriction signage.

California Environmental Quality Act:

The action is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change in the environment.

Recommendation:

1. Waive The Second Reading of Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets"
2. Adopt Ordinance No. 43.212 amending Milpitas Municipal Code, Title V, Chapter 100, Section 15.06 "Parking Time Limited on Certain Enumerated Streets"

Attachment:

Proposed Ordinance No. 43.212

REGULAR

NUMBER: 43.212

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING TITLE V, CHAPTER 100, SECTION 15.06 “PARKING TIME LIMITED ON CERTAIN ENUMERATED STREETS” OF THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of August 13, 2019, upon motion by Councilmember Montano, and was adopted (second reading) by the City Council at its meeting of _____, 2019, upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the Milpitas Bay Area Rapid Transit (BART) station is located within the City's Transit Area Specific Plan (TASP) area; and

WHEREAS, the Milpitas BART station is expected to open for passenger service before December 31, 2019; and

WHEREAS, consultation with the Valley Transportation Authority (VTA) and BART resulted in concerns that BART riders would seek free, unrestricted on-street parking around the new Milpitas BART station rather than pay to park within the VTA/BART parking lot and garage; and

WHEREAS, this behavior would significantly reduce public on-street parking supply affecting adjacent neighborhoods, City parks, and businesses; and

WHEREAS, the City of Milpitas conducted a study to quantify the effects of BART riders/commuters on City streets and developed parking strategies to address these issues; and

WHEREAS, the study found that BART commuters would likely walk up to a half mile from their vehicles to the transit center to avoid transit center parking fees and continuously occupy on-street parking for full workdays, which would reduce on-street parking supply for other uses;

WHEREAS, the study recommended the implementation of weekday restrictions for on-street parking for streets within a half-mile radius of the BART station; and

WHEREAS, the City desires to implement such weekday restrictions for on-street parking for streets within a half-mile radius of the BART station, without restricting on-street parking on such streets during nights, weekends, or holidays.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE SECTION 15.06, CHAPTER 100, TITLE V

Section 15.06 entitled "Parking Time Limited on Certain Enumerated Streets" of Chapter 100, Title V (Traffic) of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-15.06 - Parking Time Limited on Certain Enumerated Streets

In accordance with the provisions of Section 12.01 and when signs are erected giving notice thereof, no person shall stop, stand, or park any vehicle for a period time in excess of the time therein indicated on the streets or portions of streets described as follows:

No.	Street	Segment	Duration	Time
.1	Deleted by Ord. 43.81			
.2	Deleted by Ord. 43.81			
.3	Deleted by Ord. 43.198			
.4	Deleted by Ord. 43.207			
.5	Milpitas Library	Parking Zones in front of the Library Parking Lot Facing the Main Entrance	5-Minutes	Any Time
.6	Deleted by Ord. 43.210			
.7	Deleted by Ord. 43.210			
.8	Deleted by Ord. 43.209			
.9	Alvarez Court	East Side	4 Hours	7 a.m.—9 p.m.
.10	Thompson Street	West Side from Great Mall Parkway to Machado Street	3 Hours	Any Time
.11	Thompson Court	West Side from Machado Street to North End-of-Street	3 Hours	7 a.m.—6 p.m. Everyday
.12	Thompson Court	East Side from Machado Street to North End-of-Street	10 Hours	7 a.m.—6 p.m. Mon—Fri
.13	S Hillview Drive	East Side from Calaveras Boulevard to Los Coches Street	4 Hours	7 a.m.—6 p.m. Mon—Fri
.14	Hammond Way	West Side from Curtis Avenue to 1,500-Foot North of Curtis Avenue	10 Hours	7 a.m.—6 p.m. Mon—Fri
.15	Gladding Court	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.16	Piper Drive	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.17	Merry Loop	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri

No.	Street	Segment	Duration	Time
.18	Garden Street	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.19	McCandless Drive	Great Mall Parkway to Penitenica Creek	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.20	Centre Pointe Drive	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.21	Jubilee Drive	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.22	Expedition Lane	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.23	Momentum Drive	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.24	Waston Court	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.25	Pectan Court	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.26	Sango Court	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.27	Tarob Court	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.28	Houret Drive	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri
.29	Houret Court	Entire	4 Hours	7 a.m. - 6 p.m., Mon - Fri

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive Second Reading and Adopt Ordinance No. 38.836 Amending Milpitas Municipal Code Title XI, Chapter 10 Sections Relating to Temporary Public Safety Facilities and Make Findings of Exemption from CEQA (Staff Contact: Rozalynne Thompson, 408-586-3278)
Category:	Consent Calendar-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Rozalynne Thompson, Senior Planner, 408-586-3278
<u>Recommendation:</u>	Waive the second reading and adopt Ordinance No. 38.836 amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to temporary public safety facilities and making findings of CEQA Exemption.

Background:

On August 20, 2019, the City Council introduced Ordinance No. 38.836. At that time, the City Council directed changes to the Ordinance and opted to introduce and waive further reading on only that portion of the Ordinance pertaining to Temporary Public Safety Facilities. The Council further directed the deletion of those portions of the original Ordinance related to non-industrial uses in industrial zoning districts and mobile fueling services. The revised Ordinance reflects this direction and is now ready for adoption.

Recommendation:

Waive Second Reading and Adopt Ordinance No. 38.836 Amending Sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to temporary public safety facilities and making findings of CEQA Exemption

Attachment:

Ordinance No. 38.836 (final form copy)

REGULAR

NUMBER: 38.836

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
AMENDING SECTIONS OF CHAPTER 10 OF TITLE XI OF THE MILPITAS
MUNICIPAL CODE RELATING TO TEMPORARY PUBLIC FACILITIES AND
MAKING FINDINGS OF CEQA EXEMPTION

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of August 20, 2019, upon motion by Councilmember Nuñez, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City has a need to establish a temporary fire station during the construction of a new permanent station, and has identified a suitable available property at 1126 Yosemite Drive, located in the Heavy Industrial (M2) zoning district; and

WHEREAS, the regulations for the M2 zoning district do not currently allow public service or public safety uses either on a short-term or long-term basis, and changes to the M2 zoning regulations are necessary in order to allow the operation of a temporary fire station, a critical public safety facility; and

WHEREAS, the City has prepared a Zoning Amendment (“Amendment”) to the City’s Municipal Code, including refinements to Section 2 (“Definitions”), Subsection 7.02 (“Industrial Use Regulations”), Subsection 10.02 (“Institutional Use Regulations”), and Subsection 13.11 (“Temporary Uses and Structures”) of the Municipal Code; and

WHEREAS, on June 26, 2019 the Planning Commission for the City of Milpitas held a lawfully noticed public hearing to solicit public comment and consider the proposed Amendment, take public testimony, and make a recommendation to the City Council on the project; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.*, each as a separate and independent basis, pursuant to CEQA Guidelines Section 15183 (projects consistent with the General Plan); Section 15301 (existing facilities) and Section 15061(b)(3) (no possibility of significant environmental effect).

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Based on its review of the entire record, including the staff report, public comments and testimony presented to the Planning Commission and City Council, and the facts outlined below, the City Council hereby finds and determines that this ordinance is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines, § 15061(b)(3), also known as the “common sense exemption”, which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. This Ordinance would impose more restrictive land use

regulations in the city’s industrial areas than those currently in effect, and further would create new zoning requirements for a use that is not currently regulated in Milpitas (mobile fueling) for the purpose of protecting environmental quality, public health, and public safety. Therefore, it can be seen with certainty that there is no possibility that this Ordinance would have a significant effect on the environment; accordingly, this Ordinance is exempt from CEQA review.

Moreover, the City Council hereby finds that the introduction and adoption of this Ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Section 15183 of the CEQA Guidelines provides that projects that are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” The Amendment to conditionally permit temporary public safety uses in industrial zones supports the Seismic and Safety Element goal of promoting high-quality, efficient fire protection services because it will allow operation of a temporary fire station in a suitable location during the construction of a permanent fire station in another location. Therefore, the proposed Amendment is consistent with the General Plan and is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines.

The introduction and adoption of this Ordinance is also exempt under CEQA Guideline 15301 (Existing Facilities). Section 15301 of the State CEQA Guidelines provides an exemption for “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” Given that that the proposed ordinance would impose more restrictive regulations in the City’s industrial areas and would create new zoning requirements to uses not currently regulated, but would ultimately operate in existing public or private structures, facilities, mechanical equipment, the proposed ordinance is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.

SECTION 3. GENERAL PLAN CONSISTENCY

The proposed zoning amendment to conditionally permit temporary public safety uses in industrial zones supports the Seismic and Safety Element goal of promoting high-quality, efficient fire protection services because it will allow operation of a temporary fire station in a suitable location during the construction of a permanent fire station in another location. Therefore, the proposed Amendment is consistent with the General Plan.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 2

Title XI, Chapter 10, Section 2 “Definitions,” Subsection XI-10-2.03 “Definitions” of the Milpitas Municipal Code is hereby amended to add the following definitions to read as follows:

“Public Safety Use” means facilities for public safety or emergency services, including police and fire protection.

“Public Service Use” means facilities owned and operated by governmental agencies that provide services to the general public, including but not limited to federal, state and municipal administration buildings, courthouses, and post offices.

“Public Utilities” means facilities for the production, storage, treatment, transmission and/or distribution of electricity, natural gas, water, wastewater, and telecommunications and other similar essential services.

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 7

Title XI, Chapter 10, Section 7 “Industrial Zones and Standards,” Subsection XI-10-7.02 “Industrial Use Regulations,” Table XI-10-7.02-1 of the Milpitas Municipal Code is hereby amended to read as follows:

Use	M1	M2	MP
1. Commercial Uses			
Adult Businesses ¹	P	P	NP
Business support services	P	P	P
Commercial services	P	P	P
Janitorial services	P	P	P
Office supplies	C	C	C
Printing (newspaper, blueprint, publishing)	P	P	C
Retail stores, general merchandise ²	C	C	C
2. Entertainment and Recreation Uses			
Billiards	C	C	C
Commercial athletic facilities	C	C	C
3. Health and Veterinarian Uses			
Hospitals	NP	NP	C
Kennel	P	P	NP
Medical support laboratories	P	P	P
Medical and dental offices and clinics ²	P	P	P
Veterinarian hospital	P	P	P
4. Industrial Uses			
Assembly from pre-processed materials ³	P	P	P
Auto assembly facility	NP	P	NP
Bottling facility	P	P	NP
Building material sales (equipment rental) ⁴	NP	C	NP
Commercial fueling facility	C	C	NP
Commercial laboratory	P	P	P
Contractor's yard and offices ⁴	NP	C	NP
Distribution facility	P	P	P
Freight and trucking yard ⁴	NP	P	NP
Mini-storage complex	C	C	NP
Plumbing, metalworking, glassworking or woodworking	P	P	NP

Plant or facility (research & development, assembly, manufacturing, packaging, processing, repairing, etc. or materials, merchandise or products)	P	P	P
Pottery or tile manufacturing	P	P	NP
Recycling processing facility	C	C	NP
Warehousing and wholesale	P	P	P
5. Lodging Uses			
Hotels/motels	C	C	C
6. Professional Office Uses			
Administrative, professional or research ²	P	P	P
Financial institutions (banks, savings and loans, etc.)	C	C	P
7. Public, Quasi-Public and Assembly Uses			
Auditorium ⁵	NP	NP	C
Conference center ⁵	NP	NP	C
Vocational school	C	C	C
Farmer's market (not including flea market) ⁶	NP	NP	C
Public utilities ⁷	P	P	P
Temporary Public Safety Uses ⁸	MC	MC	MC
Transportation facility (taxi, parcel service, armored car, etc.) ⁴	NP	P	NP
Places of assembly ⁹	C	C	C
8. Residential Uses			
Caretaker's residence	C	C	NP
9. Restaurants or Food Service Uses			
Catering	P	NP	P
Restaurants			
With on-site service of alcohol	C	C	C
Without on-site service of alcohol	C	C	C
With live entertainment/dancing	NP	NP	NP
Drive-in or drive-thru	C	C	C
10. Vehicle Related Uses			
Auto junk yard ⁴	NP	C	NP
Auto repair (tire, oil change, smog check, etc.) ¹⁰	C	P	C ¹¹
Service stations (with or without repair or retail) ¹⁰	C	C	C
With car wash	NP	NP	C
Vehicle sales and rental (auto, RV and truck-new and used in operable condition) ¹³	C	C	C ¹¹

Auto broker (wholesale, no vehicles on site) ¹⁴	MCS	MCS	MCS
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¹ In accordance with the Title III, Chapter 4, Adult Business Ordinance and Subsection XI-10-13.04, Adult Businesses, of this Chapter.

² When found necessary to serve and appropriate to the industrial area.

³ Assembling, packaging, or distribution from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, electric or electronic instruments and devices such as television, radios, and pharmaceutical products.

⁴ When conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence (e.g. chain link with slats) not less than eight feet in height.

⁵ Shall be ancillary to the primary use or associated with business or industrial uses.

⁶ Refer to Subsection XI-10-13.10, Farmers Markets, of this Chapter.

⁷ Includes service facilities, electric transmission and distribution substations and public utility service centers.

⁸ See Subsection XI-10-13.11(G), Temporary Public Safety Uses.

⁹ Within MP zones, rental and repair may be considered only when ancillary to new auto dealerships.

¹⁰ Entrances to the service bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.

¹¹ See Subsection XI-10-7.04, Industrial Zone Special Development and Performance Standards.

SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 10

Title XI, Chapter 10, Section 10 “Special Uses”, Subsection XI-10-10.02 “Institutional Use Regulations,” Table XI-10-10.02-1 “Institutional Zone Uses” of the Milpitas Municipal Code is hereby amended to read as follows:

**Table 10.02-1
Institutional Zone Uses**

Use	Institutional Zone
Correctional facility	C
Educational institutions: ¹	
Public colleges or universities	O
Private colleges or universities	C
Public schools	O
Farmer's market (not including flea market)	C
Government offices and related facilities (Federal, State and Local)	C
Hospital or sanitarium (Public) ¹	C
Library (Public)	C
Medical clinic or offices (Public)	C
Museum	C

Parks	C
Public safety uses	C
Public service uses	C
Public utilities	C
Temporary seasonal sales ²	P
Transportation facility	C

SECTION 7. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 13

Title XI, Chapter 10, Section 13 “Special Uses,” Subsection XI-10-13.11 (I) (J) “Temporary Uses and Structures” of the Milpitas Municipal Code is hereby amended to read as follows:

- I. Temporary Public Safety Uses. Temporary public safety uses may be conditionally permitted in the Industrial zoning districts, subject to the following provisions:
 1. Interim Status. Public safety uses approved on a temporary basis are intended to serve a critical interim need only, such as during construction of a permanent facility in another location.
 2. Time Limit. Temporary public safety uses shall be limited to a total of two (2) years. Two separate extensions, up to six months each, may be granted at the discretion of the Planning Director.
 3. Review Procedures. Temporary public safety uses shall require approval by staff pursuant to the Minor Conditional Use Permit procedure set forth in Section XI-10-57.04.
 4. Upon expiration of the approved term of the temporary public safety use, all building and site improvements associated with the temporary use shall be removed and the facility shall be restored to its prior condition.
 5. As a condition of approval of a Minor Conditional Use Permit for a temporary public safety use, the City may require the permittee to post a surety bond and/or provide other security in an amount determined by the City. The security shall be of sufficient amount to ensure compliance with the conditions of the permit and this chapter.
- J. Conditions. When considering approval of a temporary use or structure, the review authority may impose conditions deemed necessary to ensure that the permit or approval will be in accordance with the standards prescribed in this Section and the findings required for the approval. These conditions may include, but are not limited to:
 1. Regulation of operating hours and days;
 2. Provision for temporary parking facilities, including vehicular ingress and egress;
 3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;

4. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
5. Provision for sanitary and medical facilities;
6. Provision for solid, hazardous and toxic waste collection and disposal;
7. Provision for security and safety measures;
8. Regulation of signs;
9. Submission of a performance bond or other surety devices, satisfactory to the review authority, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
10. Provision for visual screening, not limited to landscaping;
11. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Section.

SECTION 8. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part has no effect on the validity of the remainder.

SECTION 9. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Events from October 2019 through June 2020
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2019
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Events from October 2019 through June 2020.

Background:

Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center:

- (1) City Hall Rotunda
- (2) Area adjacent to pond at City Hall
- (3) Cesar Chavez Plaza
- (4) City Council Chambers

Staff is requesting that City Council adopt a Resolution directing staff to fly the City Event Celebration Flag and/or other Commemorative Flags for various upcoming Recreation and Community Services events in connection with and during periods of days and/or months of recognition for the following commemorative events: Lunar New Year, Black History Month, Cesar Chavez Day, Vietnamese Heritage Day, Public Safety Appreciation, LGBTQ Month, Juneteenth, Oktoberfest, Filipino Heritage, Eritrea Independence Day, Native American Day in the Cesar Chavez Plaza. These recognition events will occur throughout Fiscal Year 2019-2020.

In accordance with the Municipal Code, the Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

Analysis:

N/A

Policy Alternatives:

None

Fiscal Impact:

None

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

Recommendation:

Adopt a Resolution Directing Staff to Fly City Event Celebration and/or Commemorative Flags at Various Events from October 2019 through June 2020.

Attachment:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DIRECTING STAFF
TO FLY COMMEMORATIVE FLAGS AT CESAR CHAVEZ PLAZA FOR CITY-SPONSORED
EVENTS IN 2019-20**

WHEREAS, on December 18, 2018, the City Council (the “City Council”) of the City of Milpitas Adopted Ordinance No. 260.2 relating to the display of flags on City-owned property; and

WHEREAS, pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City’s official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center:

- (1) City Hall Rotunda
- (2) Area adjacent to pond at City Hall
- (3) Cesar Chavez Plaza
- (4) City Council Chambers; and

WHEREAS, the City of Milpitas will be sponsoring commemorative events, ceremonies and holidays planned for the 2019/2020 fiscal year in Cesar Chavez Plaza; and

WHEREAS, the City intends to fly certain Commemorative Flags in Cesar Chavez Plaza as part of the sponsored events, ceremonies and holidays, as follows:

- Filipino American History Month, October 1 – 31, 2019,
- Native American Heritage and Culture Month – November 1 - 30, 2019,
- Black History Month – February 3 – 29, 2020,
- Cesar Chavez Birthday – March 30 – 31, 2020,
- Vietnamese Heritage Month – April 1 - 30, 2020,
- Public Safety Appreciation Day – May 13, 2020,
- Eritrea Independence Day – May 24, 2020,
- LGBTQ Pride Month – June 1 – 30, 2020,
- Juneteenth – June 16, 2020, and

WHEREAS, in accordance with the Milpitas Municipal Code, the Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 days.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council hereby directs staff to fly the following Commemorative Flags in lieu of the flag of the State of California at Cesar Chavez Plaza on the following dates and date ranges, after which staff shall resume flying the flag of the State of California unless the City Council directs otherwise by further resolution:

- Filipino American History Month, October 1 – 31, 2019
- Native American Heritage and Culture Month – November 1 - 30, 2019
- Black History Month – February 3 – 29, 2020
- Cesar Chavez Birthday – March 30 – 31, 2020
- Vietnamese Heritage Month – April 1 - 30, 2020
- Public Safety Appreciation Day – May 13, 2020
- Eritrea Independence Day – May 24, 2020
- LGBTQ Pride Month – June 1 – 30, 2020
- Juneteenth – June 16, 2020

PASSED AND ADOPTED this _____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Approving the Green Stormwater Infrastructure Plan as Required by the Municipal Regional Stormwater Permit
Category:	Consent Calendar-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Adopt a resolution approving the Green Stormwater Infrastructure Plan as Required by the Municipal Regional Stormwater Permit.

Background:

The City of Milpitas is subject to the requirements of the State Municipal Regional Stormwater Permit (MRP) which applies to 76 municipalities and local agencies within the San Francisco Bay area (Order R2-2015-0049), which became effective on January 1, 2016.

The MRP requires the creation and implementation of a long range Green Stormwater Infrastructure Plan (GSI Plan) for the inclusion of storm water Low Impact Development (LID) measures constructed on both private development and City capital projects. LID measures mimic nature and reduce stormwater runoff and pollution by minimizing impervious surfaces, and enhancing water infiltration, storage, and treatment. These measures reduce the volume of stormwater runoff and pollution from entering into the local water course.

Examples of GSI LID measures that have been implemented on projects:

- Landscape-based “bio-treatment” areas that use soil and plants to treat stormwater;
- Pervious paving systems (e.g. interlocking concrete pavers, porous asphalt, and pervious concrete) that allow stormwater to soak into the ground;
- Rainwater harvesting systems (e.g. cisterns and rain barrels) that capture stormwater for non-potable uses such as toilet flushing and landscape irrigation; and
- Other methods to capture, infiltrate and/or treat stormwater.

The City contracted with EOA Inc. to assist in the preparation of a GSI Plan Framework and work plan describing the goals, approach, tasks, and schedule for the completion of the final GSI Plan. The GSI Framework was approved by City Council on June 6, 2017, was submitted to the Regional Water Quality Control Board on September 30, 2017. The final GSI Plan has been completed and is now ready for Council approval. As mandated by the requirements of the MRP, the approved final GSI plan is required to be submitted to the Regional Water Quality Control Board on September 30, 2019.

Analysis:

The GSI Plan describes the City’s goals, targets, and priorities for implementing GSI projects over a 20-year time frame (2020 to 2040). The Plan will guide the identification, prioritization, design, implementation, tracking and reporting of GSI projects within the City of Milpitas. The GSI Plan will be coordinated with other City development planning documents including the General Plan to achieve multiple potential benefits to the community including improved water quality, reduced potential for local flooding, improved wildlife habitat, and a more pleasant urban environment.

To meet MRP requirements, the GSI Plan contains the following mandatory elements:

- **Project Identification and Prioritization Mechanism:** The GSI Plan describes the mechanism by which the City will identify, prioritize and map areas for potential and planned projects that incorporate green stormwater infrastructure components in different drainage areas within the City. These include public and private projects that may be implemented over the long term, with milestones for implementation by 2020, 2030 and 2040. The mechanism will include the criteria for prioritization and outputs that can be incorporated into the City's long term planning and capital improvement processes.
- **Prioritized Project Locations and Timeframes:** The GSI Plan contains outputs resulting from the identification and prioritization mechanism, and includes lists and maps of prioritized projects and timeframes for implementation.
- **Targets for Impervious Surfaces Retrofitted:** The GSI Plan estimates the amount of impervious surfaces, both public and private, that will be retrofitted with GSI by 2020, 2030 and 2040.
- **Completed Project Tracking System:** The GSI Plan describes the process for tracking and mapping completed public and private projects and making the information available to the public.
- **Guidelines and Specifications:** The GSI Plan includes general design and construction guidelines, standard specifications and details for incorporating green stormwater infrastructure components into projects within the City.
- **Integration with Other Plans:** The GSI Plan identifies existing City planning documents that would need to be updated or modified to support and incorporate green stormwater infrastructure requirements, and a schedule for completing the updates.
- **Evaluation of Funding Options:** The GSI Plan evaluates funding options for design, construction, and long term maintenance of prioritized green stormwater infrastructure projects, considering local, state and federal funding sources.

Policy Alternative:

Deny approval of the Green Stormwater Infrastructure Plan.

Pros: Not proceeding with the adoption of the GSI plan would allow City project to continue to not include LID improvements with its CIP projects, which would be a cost savings.

Cons: The creation and adoption of the GSI Plan requiring the implementation of LID improvements is mandated by the State MRP permit. The City would not be in compliance with the MRP if it does not adopt the GSI Plan.

Reason not recommended: To comply with requirements and mandates of the state MRP which is enforced by the Regional Water Quality Control Board, staff recommends approval of the Green Stormwater Infrastructure Plan.

Fiscal Impact:

The adoption of the GSI plan is mandated by the Regional Water Quality Control Board. The implementation of GSI improvements on City CIP projects will increase the design and construction cost for the project by an estimated amount of 10-15% depending on the type of LID selected.

California Environmental Quality Act:

Approving the GSI Plan is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308. Class 8 categorical exemption is provided for actions authorized by state or local law to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. Projects subject to the GSI Plan will undergo appropriate CEQA review prior to approval.

Recommendation:

Adopt a resolution approving the Green Stormwater Infrastructure Plan as required by the Municipal Regional Stormwater Permit.

Attachments:

Resolution and Green Stormwater Infrastructure Plan & Appendices

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING A
GREEN STORMWATER INFRASTRUCTURE PLAN IN ACCORDANCE WITH PROVISION
C.3.J OF THE MUNICIPAL REGIONAL PERMIT**

WHEREAS, the City of Milpitas is a permittee under the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit (MRP) that regulates stormwater discharges from municipal storm drain systems throughout Santa Clara Valley; and

WHEREAS, the City of Milpitas is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), and implements the MRP in collaboration with other members of the SCVURPPP; and

WHEREAS, Provision C.3.j of the MRP requires each permittee to develop a Green Stormwater Infrastructure Plan that demonstrates how permittees will gradually shift from traditional "gray" storm drain infrastructure to a more resilient and sustainable storm drain system comprised of "green" infrastructure, which captures, stores and treats stormwater using natural processes; and

WHEREAS, all permittees under the MRP are required to submit by September 30, 2019 a Green Stormwater Infrastructure Plan to Regional Water Quality Control Board; and

WHEREAS, the Green Stormwater Infrastructure Plan guides the identification, implementation, tracking, and reporting of green stormwater infrastructure projects within the City of Milpitas over the long term; and

WHEREAS, the City of Milpitas is committed to complying with requirements of the MRP and implementing sustainable approaches and practices within the City.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council does hereby adopt the Green Stormwater Infrastructure Plan in accordance with provision C.3.j of the Municipal Regional Permit.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

Appendix A

Prioritization Metrics for Scoring GSI Project Opportunities

Table A-1. Prioritization Metrics for LID Project Opportunities

Metric	Points						Weighting Factor
	0	1	2	3	4	5	
Parcel Land Use			Schools/ Golf Courses	Park / Open Space	Public Buildings	Parking Lots	
Impervious Area (%)	$X < 40$	$40 \leq X < 50$	$50 \leq X < 60$	$60 \leq X < 70$	$70 \leq X < 80$	$80 \leq X < 100$	2
Hydrologic Soil Group		C/D		B		A	
Slope (%)		$10 > X > 5$	$5 \geq X > 3$	$3 \geq X > 2$	$2 \geq X > 1$	$1 \geq X$	
Within flood-prone storm drain catchments	No					Yes	
Contains PCB Interest Areas	None			Moderate		High	2
Within Priority Development Area	No					Yes	
Co-located with another agency project	No					Yes	
Augments water supply	No	Opportunity for capture and use				Above groundwater recharge area and not above groundwater contamination area	2
Water quality source control	No	Yes					
Reestablishes natural hydrology	No	Yes					
Creates or enhances habitat	No	Yes					
Community enhancement	No	Opportunities for other enhancements				Within DAC or MTC Community of Concern	

Table A-2. Prioritization Metrics for Regional Stormwater Capture Project Opportunities

Metric	Points						Weighting Factor
	0	1	2	3	4	5	
Parcel Land Use			Schools/Golf Courses	Public Buildings	Parking Lot	Park / Open Space	
Impervious Area (%)	$X < 40$	$40 \leq X < 50$	$50 \leq X < 60$	$60 \leq X < 70$	$70 \leq X < 80$	$80 \leq X < 100$	2
Parcel Size (acres)	$0.25 \leq X < 0.5$	$0.5 \leq X < 1$	$1 \leq X < 2$	$2 \leq X < 3$	$3 \leq X < 4$	$4 \leq X$	
Hydrologic Soil Group		C/D		B		A	
Slope (%)		$10 > X > 5$	$5 \geq X > 3$	$3 \geq X > 2$	$2 \geq X > 1$	$1 \geq X$	
Proximity to Storm Drain (feet)	$X > 1,000$	$1,000 \geq X > 500$		$500 \geq X > 200$		$200 \geq X$	
Within flood-prone storm drain catchments	No					Yes	
Contains PCB Interest Areas	None			Moderate		High	2
Within Priority Development Area	No					Yes	
Co-located with another agency project	No					Yes	
Augments water supply	No	Opportunity for capture and use				Above groundwater recharge area and not above groundwater contamination area	2
Water quality source control	No	Yes					
Reestablishes natural hydrology	No	Yes					
Creates or enhances habitat	No	Yes					
Community enhancement	No	Opportunities for other enhancements				Within DAC or MTC Community of Concern	

Table A-3. Prioritization Metrics for Green Street Project Opportunities

Metric	Points						Weighting Factor
	0	1	2	3	4	5	
Imperviousness (%)	$X < 40$	$40 \leq X < 50$	$50 \leq X < 60$	$60 \leq X < 70$	$70 \leq X < 80$	$80 \leq X < 100$	2
Hydrologic Soil Group		C/D		B		A	
Slope (%)		$5 > X > 4$	$4 \geq X > 3$	$3 \geq X > 2$	$2 \geq X > 1$	$1 \geq X > 0$	
Within flood-prone storm drain catchments	No					Yes	
Contains PCB Interest Areas	None			Moderate		High	2
Within Priority Development Area	No					Yes	
Co-located with another agency project	No					Yes	
Augments water supply	No	Opportunity for capture and use				Above groundwater recharge area and not above groundwater contamination area	2
Water quality source control	No	Yes					
Reestablishes natural hydrology	No	Yes					
Creates or enhances habitat	No	Yes					
Community enhancement	No	Opportunities for other enhancements				Within DAC or MTC Community of Concern	

Appendix B

City of Milpitas Street Segments and Parcels with Opportunities for GSI

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		MINNIS	CIR	50	51	1398	1399		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	10	1	4	0	0	0	5	10	1	1	1	5	38
Milpitas		TRADE ZONE	BLVD	601	2130	699	2150	TASP	King Road Corridor Pedestrian Safety and BRT Enhancements	8	1	5	0	10	5	5	0	1	1	1	1	38
Milpitas		GARDEN	ST	801	0	869	0	TASP	S. Milpitas Blvd. Bike / Pedestrian Improvements	8	1	4	0	10	5	5	0	1	1	1	1	37
Milpitas	S	MILPITAS	BLVD	1424	1425	1558	1559	TASP	S. Milpitas Blvd. Bike / Pedestrian Improvements	8	1	4	0	10	5	5	0	1	1	1	1	37
Milpitas	N	MILPITAS	BLVD	1301	0	1409	0		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	8	1	5	0	0	0	5	10	1	1	1	5	37
Milpitas		MINNIS	CIR	2	1	48	49		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	8	1	5	0	0	0	5	10	1	1	1	5	37
Milpitas		MINNIS	CIR	0	0	0	0		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	8	1	5	0	0	0	5	10	1	1	1	5	37
Milpitas	N	MILPITAS	ST	1081	0	1199	0		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	8	1	4	0	10	0	5	0	1	1	1	5	36
Milpitas	S	MILPITAS	BLVD	0	0	0	0	TASP	S. Milpitas Blvd. Bike / Pedestrian Improvements	6	1	4	0	10	5	5	0	1	1	1	1	35
Milpitas	N	MILPITAS	BLVD	0	1300	0	1408		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	8	1	3	0	0	0	5	10	1	1	1	5	35
Milpitas		SB MILPITAS TO WB MONTAGUE	RAMP	0	0	0	0	TASP	S. Milpitas Blvd. Bike / Pedestrian Improvements	6	1	4	0	10	5	5	0	1	1	1	1	35

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring													
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE	
Milpitas	E	CAPITOL	AVE	0	500	0	748	TASP		10	1	4	0	10	5	0	0	1	1	1	1	34	
Milpitas		GREAT MALL	PKWY	0	0	0	0	Midtown SP		10	1	4	0	10	5	0	0	1	1	1	1	34	
Milpitas		JOURNEY	ST	0	0	0	0	TASP		10	1	4	0	10	5	0	0	1	1	1	1	34	
Milpitas		MIDWICK	DR	1	2	49	48		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	4	0	0	0	5	10	1	1	1	5	34	
Milpitas	N	MILPITAS	BLVD	0	1080	0	1198		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	8	1	2	0	10	0	5	0	1	1	1	5	34	
Milpitas	N	MILPITAS	BLVD	0	1200	0	1298		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	4	0	0	0	5	10	1	1	1	5	34	
Milpitas	S	MILPITAS	BLVD	0	0	0	0	TASP		10	1	4	0	10	5	0	0	1	1	1	1	34	
Milpitas	N	MILPITAS	BLVD	1201	0	1299	0		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	4	0	0	0	5	10	1	1	1	5	34	
Milpitas	S	MILPITAS	BLVD	1100	1101	1422	1423	TASP	S. Milpitas Blvd. Bike / Pedestrian Improvements	6	1	3	0	10	5	5	0	1	1	1	1	34	
Milpitas	S	PARK VICTORIA	DR	2	1	28	29			10	1	5	0	0	0	0	10	1	1	1	5	34	
Milpitas		PARK VICTORIA	DR	0	0	0	0			10	1	5	0	0	0	0	10	1	1	1	5	34	
Milpitas		PIPER	DR	0	0	0	0	TASP		10	1	4	0	10	5	0	0	1	1	1	1	34	
Milpitas	E	CALAVERAS	BLVD	0	1300	0	1348			10	1	4	0	0	0	0	10	1	1	1	5	33	
Milpitas	E	CALAVERAS	BLVD	1001	0	1299	0			10	1	4	0	0	0	0	10	1	1	1	5	33	
Milpitas	E	CALAVERAS	BLVD	0	1100	0	1298			10	1	4	0	0	0	0	10	1	1	1	5	33	
Milpitas	E	CALAVERAS	BLVD	1301	0	1349	0			10	1	4	0	0	0	0	10	1	1	1	5	33	
Milpitas		CALAVERAS	CT	1	2	99	98			10	1	4	0	0	0	0	10	1	1	1	5	33	
Milpitas		HAMILTON	AVE	0	0	0	0		Strickroth Park Renovation, at end of Strickroth Dr.	8	1	5	0	0	0	5	10	1	1	1	1	33	
Milpitas	S	MAIN	ST	1450	1451	1598	1599	Midtown SP		8	1	5	0	10	5	0	0	1	1	1	1	33	
Milpitas	N	PARK VICTORIA	DR	1	2	49	48			10	1	4	0	0	0	0	10	1	1	1	5	33	
Milpitas		PIPER	DR	0	0	0	0	TASP		8	1	5	0	10	5	0	0	1	1	1	1	33	
Milpitas		AMES	AVE	701	700	1299	1298		S. Milpitas Blvd. Bike / Pedestrian Improvements	8	1	4	0	10	0	5	0	1	1	1	1	32	

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas	E	CAPITOL	AVE	0	750	0	798	TASP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	E	CAPITOL	AVE	501	0	775	0	TASP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		GARDEN	ST	0	0	0	0	TASP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		GREAT MALL	PKWY	301	0	349	0	TASP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		GREAT MALL	PKWY	0	0	0	0	Midtown SP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	S	MAIN	ST	1200	1201	1238	1239	Midtown SP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	S	MAIN	ST	1240	1241	1278	1279	Midtown SP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		MIDWICK	DR	0	0	0	0		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	5	32
Milpitas	S	PARK VICTORIA	DR	30	31	138	139			8	1	5	0	0	0	0	10	1	1	1	5	32
Milpitas		PIPER	DR	1201	1200	1299	1298	TASP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		TRADE ZONE	BLVD	0	0	0	0	TASP		8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	E	CALAVERAS	BLVD	1351	1350	1399	1398			8	1	4	0	0	0	0	10	1	1	1	5	31
Milpitas		CLEAR LAKE	AVE	1401	1400	1549	1548		Sinnott Park Renovation, Clear Lake Ave.	8	1	3	0	0	0	5	10	1	1	1	1	31
Milpitas		DEMPSEY	RD	2	1	58	59			8	1	4	0	0	0	0	10	1	1	1	5	31
Milpitas		EDSEL	DR	1251	1250	1299	1298			8	1	4	0	0	0	0	10	1	1	1	5	31
Milpitas		LUNDY	PL	2401	2400	2499	2498	TASP		6	1	5	0	10	5	0	0	1	1	1	1	31
Milpitas		PIPER	DR	1301	1300	1399	1398	TASP		8	1	3	0	10	5	0	0	1	1	1	1	31
Milpitas		BELBROOK	PL	1200	1201	1298	1299		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		CANTERBURY	PL	601	600	799	798		Higuera Adobe Park	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		CLEAR LAKE	CT	1100	1101	1298	1299		Sinnott Park Renovation, Clear Lake Ave.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		ESCUELA	PKWY	1081	1080	1199	1198		Sandalwood Park Renovation, Escuela Pkwy	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		GORDON	ST	1021	1020	1099	1098		Sandalwood Park Renovation, Escuela Pkwy	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		HAMILTON	AVE	931	930	1099	1098		Strickroth Park Renovation, at end of Strickroth Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		JACKLIN	RD	301	0	499	0		Strickroth Park Renovation, at end of Strickroth Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		JACKLIN	RD	0	150	0	298		Strickroth Park Renovation, at end of Strickroth Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		JACKLIN	RD	0	300	0	498		Strickroth Park Renovation, at end of Strickroth Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas	S	MAIN	ST	1100	1101	1198	1199	Midtown SP		6	1	4	0	10	5	0	0	1	1	1	1	30
Milpitas		MARTIL	WAY	461	460	499	498		Strickroth Park Renovation, at end of Strickroth Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		MC CARTHY	BLVD	0	1811	0	1999		Montague Ex_Coyote	6	1	4	0	10	0	5	0	1	1	1	1	30
Milpitas		MC CARTHY	BLVD	1810	0	1998	0		Montague Ex_Coyote	6	1	4	0	10	0	5	0	1	1	1	1	30
Milpitas		MC CARTHY	BLVD	0	0	0	0		Montague Ex_Coyote	10	1	5	0	0	5	5	0	1	1	1	1	30
Milpitas		MIHALAKIS	ST	1	2	99	100	Midtown SP		10	1	5	0	10	0	0	0	1	1	1	1	30
Milpitas	S	MILPITAS	BLVD	300	301	738	739		S. Milpitas Blvd. Bike / Pedestrian Improvements	6	1	4	0	10	0	5	0	1	1	1	1	30
Milpitas		MORRILL	AVE	0	0	0	0			10	1	5	0	0	0	0	10	1	1	1	1	30
Milpitas		RUSSELL	LN	751	752	799	798		Sandalwood Park Renovation, Escuela Pkwy	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		SB MAIN TO WB GREAT MALL	RAMP	0	0	0	0	Midtown SP		6	1	4	0	10	5	0	0	1	1	1	1	30
Milpitas	E	TRADE ZONE	BLVD	0	0	0	0	TASP		6	1	4	0	10	5	0	0	1	1	1	1	30
Milpitas		VIENNA	DR	61	60	99	98		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		VIENNA	DR	1	2	59	58		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		WINSOR	ST	1	2	199	198	Midtown SP		10	1	5	0	10	0	0	0	1	1	1	1	30
Milpitas		ACADIA	AVE	1295	1300	1499	1498		Fire Station #2 Replacement, Yosemite Dr. at Park Victoria	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BARON	PL	601	600	799	798		Higuera Adobe Park	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BELBROOK	WAY	1101	1100	1219	1218		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BELBROOK	WAY	1221	1220	1299	1298		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BELBROOK	WAY	1301	1300	1399	1398		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BIG BASIN	DR	1501	1500	1699	1698		Sinnott Park Renovation, Clear Lake Ave.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas	E	CALAVERAS	BLVD	1401	1400	1499	1498			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		CANTON	DR	1401	1400	1429	1428			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		CLEAR LAKE	AVE	1721	1722	1899	1898		Sinnott Park Renovation, Clear Lake Ave.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		CLEAR LAKE	AVE	1551	1550	1659	1658		Sinnott Park Renovation, Clear Lake Ave.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		EB LANDESS TO SB	RAMP	0	0	0	0			10	1	4	0	0	0	0	10	1	1	1	1	29
Milpitas		EDSEL	DR	1301	1300	1399	1398			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas	S	GADSDEN	DR	2	1	58	59			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		LANDESS	AVE	1601	0	1649	0			10	1	4	0	0	0	0	10	1	1	1	1	29
Milpitas		LASSEN	AVE	1331	1330	1599	1598		Murphy Park Renovation, Yellowstone Ave.	6	1	3	0	0	0	5	10	1	1	1	1	29

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		LUNDY	PL	501	500	599	598	TASP		4	1	5	0	10	5	0	0	1	1	1	1	29
Milpitas	N	MAIN	ST	251	250	279	278	Midtown SP		10	1	4	0	10	0	0	0	1	1	1	1	29
Milpitas		MERCURY	CT	1401	1400	1499	1498			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		MILMONT	DR	0	0	0	0			6	1	4	0	10	0	0	0	1	1	1	5	29
Milpitas		MOUNT SHASTA	AVE	1407	1400	1599	1598		Sinnott Park Renovation, Clear Lake Ave.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		NB MORRILL TO EB LANDESS	RAMP	0	0	0	0			10	1	4	0	0	0	0	10	1	1	1	1	29
Milpitas		OLYMPIC	DR	1341	1340	1599	1598		Murphy Park Renovation, Yellowstone Ave.	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas	S	PARK VICTORIA	DR	140	141	348	349			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas	N	PARK VICTORIA	DR	421	420	449	448		Sports Center Skate Park	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas	N	PARK VICTORIA	DR	1841	1840	1869	1868		Higuera Adobe Park	6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		RUSSELL	LN	0	0	0	0		Sandalwood Park Renovation, Escuela Pkwy	4	1	5	0	0	0	5	10	1	1	1	1	29
Milpitas		SUMMERWIND	WAY	1211	1210	1299	1298			6	1	4	0	10	0	0	0	1	1	1	5	29
Milpitas	N	TEMPLE	DR	1	2	99	98			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		YOSEMITE	DR	701	700	759	758		S. Milpitas Blvd. Bike / Pedestrian Improvements	6	1	3	0	10	0	5	0	1	1	1	1	29
Milpitas		YOSEMITE	DR	1421	1420	1579	1578			6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		BALBOA	DR	100	101	148	149			6	1	3	0	10	0	0	0	1	1	1	5	28
Milpitas		BEAUMERE	WAY	101	100	299	298		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas	E	CALAVERAS	BLVD	1701	1700	1899	1898			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas	E	CALAVERAS	BLVD	1501	1500	1699	1698			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CAMPBELL	ST	0	0	0	0			8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		CANTON	DR	1331	1330	1399	1398			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CANTON	DR	1201	1200	1279	1278			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	160	151	198	209			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	200	211	268	269			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	270	271	328	329			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	330	331	398	399			6	1	3	0	0	0	0	10	1	1	1	5	28

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		CLAUSER	DR	401	400	499	498		Strickroth Park Renovation, at end of Strickroth Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		CLEAR LAKE	AVE	1701	1700	1719	1712		Sinnott Park Renovation, Clear Lake Ave.	6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas		CLEAR LAKE	AVE	0	1714	0	1720		Sinnott Park Renovation, Clear Lake Ave.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		COLUMBUS	DR	1201	1200	1299	1298		Sandalwood Park Renovation, Escuela Pkwy	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		CORINTHIA	DR	401	400	499	498		Strickroth Park Renovation, at end of Strickroth Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		CURTIS	AVE	0	0	0	0	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		ESCUELA	PKWY	0	0	0	0			8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		ESCUELA	PKWY	1231	0	1319	0		Sandalwood Park Renovation, Escuela Pkwy	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		ESCUELA	PKWY	0	0	0	0			8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		FONTAINBLEU	AVE	1201	1200	1259	1258		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		FONTAINBLEU	AVE	1301	1300	1399	1398		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		FONTAINBLEU	CT	101	100	199	198		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		HAMMOND	WAY	601	600	699	698	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		HAMMOND	WAY	601	600	699	698	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		HEFLIN	ST	701	700	899	898		Sandalwood Park Renovation, Escuela Pkwy	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		JACKLIN	RD	1101	0	1199	0			8	1	5	0	0	0	0	10	1	1	1	1	28

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												TOTAL SCORE
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	
Milpitas		JACKLIN	RD	1201	0	1299	0			8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		KIZER	ST	701	700	899	898		Sandalwood Park Renovation, Escuela Pkwy	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		LA PALMA	PL	801	800	999	998			8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas	N	MAIN	ST	101	100	199	198	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas	N	MAIN	ST	201	200	249	248	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		MC CARTHY	BLVD	0	0	0	0		Montague Ex Coyote	8	1	5	0	0	5	5	0	1	1	1	1	28
Milpitas		MIDWICK	DR	51	50	89	88		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		MIDWICK	DR	91	90	299	298		Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		MIHALAKIS	ST	0	0	0	0	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas	S	MILPITAS	BLVD	740	741	998	999		S. Milpitas Blvd. Bike / Pedestrian Improvements	4	1	4	0	10	0	5	0	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	751	750	799	798			8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	1801	1800	1839	1838		Higuera Adobe Park	6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	261	260	419	418		Sports Center Skate Park	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	1741	1740	1799	1798		Higuera Adobe Park	6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas		PERRY	ST	100	101	298	299			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		PRADA	CT	1301	1300	1399	1398		Sports Center Skate Park	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		RODRIGUES	AVE	100	101	298	299			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		RUSSELL	LN	701	700	749	750		Sandalwood Park Renovation, Escuela Pkwy	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		SONOMA	DR	1401	1400	1599	1598		Sinnott Park Renovation, Clear Lake Ave.	6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas	S	TEMPLE	DR	2	1	38	39			6	1	3	0	0	0	0	10	1	1	1	5	28

City of Milpitas
Potential Green Street Opportunities

Project Characteristics										Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Project Name	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		UNNAMED STREET		0	0	0	0		Sinnott Park Renovation, Clear Lake Ave.	4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		WELLER	LN	100	101	198	199	Midtown SP		8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		YOSEMITE	DR	1731	1730	1779	1778			6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		YOSEMITE	DR	501	500	699	698		S. Milpitas Blvd. Bike / Pedestrian Improvements	4	1	4	0	10	0	5	0	1	1	1	1	28

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Co-located Project	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
2202047	City of Milpitas			4	10	1	4	0	10	0	0	10	1	1	0	5	46
2824044	City of Milpitas		Midtown SP	4	10	1	5	0	10	0	0	2	1	1	0	1	35
2834089	City of Milpitas		Midtown SP	4	10	1	5	0	10	0	0	2	1	1	0	1	35
2613033	City of Milpitas	Fire Station #3 Replacement, N. Milpitas Blvd. at Midwick Dr.		4	8	1	4	0	0	0	5	10	1	1	0	1	35
2824039	City of Milpitas		Midtown SP	4	10	1	5	0	10	0	0	2	1	1	0	1	35
2834055	City of Milpitas		Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834021	City of Milpitas		Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834058	City of Milpitas		Midtown SP	4	10	1	4	0	10	0	0	2	1	1	0	1	34
2834052	City of Milpitas		Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834028	City of Milpitas		Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834029	City of Milpitas		Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834068	City of Milpitas		Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834016	City of Milpitas		Midtown SP	4	10	1	3	0	10	0	0	2	1	1	0	1	33
8649050	City of Milpitas			4	8	1	4	0	10	0	0	2	1	1	0	1	32
8642023	City of Milpitas			4	8	1	4	0	10	0	0	2	1	1	0	1	32
2834047	City of Milpitas		Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834062	City of Milpitas		Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834002	City of Milpitas		Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834075	City of Milpitas		Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834010	City of Milpitas		Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834041	City of Milpitas		Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834018	City of Milpitas		Midtown SP	3	10	1	2	0	10	0	0	2	1	1	0	1	31
2834004	City of Milpitas		Midtown SP	3	10	1	2	0	10	0	0	2	1	1	0	1	31
8652015	City of Milpitas			4	6	1	4	0	10	0	0	2	1	1	0	1	30
2834035	City of Milpitas		Midtown SP	3	8	1	3	0	10	0	0	2	1	1	0	1	30

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Co-located Project	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
8802026	City of Milpitas	Fire Station #2 Replacement, Yosemite Dr. at Park Victoria		4	6	1	4	0	0	0	5	2	1	1	0	5	29
2823015	City of Milpitas			4	8	1	1	0	10	0	0	2	1	1	0	1	29
2243100	City of Milpitas			4	4	1	4	0	10	0	0	2	1	1	0	1	28
2618003	Milpitas School District	Sandalwood Park Renovation, Escuela Pkwy		2	4	1	3	0	0	0	5	10	1	1	0	1	28
8823019	City of Milpitas	Sinnott Park Renovation, Clear Lake Ave.		4	0	1	4	0	0	0	5	10	1	1	0	1	27
2816067	City of Milpitas	Strickroth Park Renovation, at end of Strickroth Dr.		4	0	1	4	0	0	0	5	10	1	1	0	1	27
2619088	City of Milpitas	Sandalwood Park Renovation, Escuela Pkwy		4	2	1	2	0	0	0	5	10	1	1	0	1	27
8812054	Milpitas School District			2	4	1	3	0	0	0	0	10	1	1	0	5	27
8602049	City of Milpitas			4	8	5	4	0	0	0	0	2	1	1	0	1	26
8829061	City of Milpitas	Murphy Park Renovation, Yellowstone Ave.		4	0	1	3	0	0	0	5	10	1	1	0	1	26
2909050	City of Milpitas			4	4	1	4	0	0	0	0	10	1	1	0	1	26
2917010	City of Milpitas	Sports Center Skate Park		4	0	1	3	0	0	0	5	10	1	1	0	1	26

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Co-located Project	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
8806001	Milpitas School District			2	2	1	4	0	0	0	0	10	1	1	0	5	26
2917002	Milpitas School District			2	6	1	4	0	0	0	0	10	1	1	0	1	26
8602086	City of Milpitas			4	6	1	4	0	0	5	0	2	1	1	0	1	25
8812053	City of Milpitas			4	0	1	3	0	0	0	0	10	1	1	0	5	25
2949001	City of Milpitas	Higuera Adobe Park		4	0	1	2	0	0	0	5	10	1	1	0	1	25
2621004	City of Milpitas	Sandalwood Park Renovation, Escuela Pkwy		4	0	1	2	0	0	0	5	10	1	1	0	1	25
2231029	City of Milpitas		Midtown SP	4	4	1	1	0	10	0	0	2	1	1	0	1	25
8612010	City of Milpitas		Midtown SP	4	6	1	3	0	0	5	0	2	1	1	0	1	24
8803051	City of Milpitas			4	6	1	4	0	0	0	0	2	1	1	0	5	24
2610028	City of Milpitas			4	4	1	2	0	0	0	0	10	1	1	0	1	24
8824005	Milpitas School District	Sinnott Park Renovation, Clear Lake Ave.		2	0	1	3	0	0	0	5	10	1	1	0	1	24
8807061	Milpitas School District	Murphy Park Renovation, Yellowstone Ave.		2	0	1	3	0	0	0	5	10	1	1	0	1	24
8606012	Milpitas School		Midtown SP	2	8	5	4	0	0	0	0	2	1	1	0	1	24
8636023	City of Milpitas		TASP	4	4	1	4	0	0	5	0	2	1	1	0	1	23
2208003	City of Milpitas		Midtown SP	4	8	1	4	0	0	0	0	2	1	1	0	1	22
2804002	City of Milpitas			4	2	1	2	0	0	0	0	10	1	1	0	1	22
8606011	Milpitas School			2	10	1	4	0	0	0	0	2	1	1	0	1	22
8601023	City of Milpitas			4	0	5	2	5	0	0	0	2	1	1	0	1	21
8611008	City of Milpitas		Midtown SP	4	6	1	5	0	0	0	0	2	1	1	0	1	21
8820130	City of Milpitas			4	2	1	1	0	0	0	0	10	1	1	0	1	21
2225046	City of Milpitas			4	8	1	3	0	0	0	0	2	1	1	0	1	21

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Co-located Project	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
8822005	City of Milpitas			4	0	1	3	0	0	0	0	10	1	1	0	1	21
8838092	City of Milpitas			4	0	1	3	0	0	0	0	10	1	1	0	1	21
2806040	City of Milpitas			4	0	1	3	0	0	0	0	10	1	1	0	1	21
2812023	City of Milpitas	City Hall		4	8	1	3	0	0	0	0	2	1	1	0	1	21
2226001	Milpitas School District	Starlite Park Renovation, Abbott Ave. at Rudyard Dr.		2	4	1	4	0	0	0	5	2	1	1	0	1	21
2921022	Milpitas School District			2	2	1	3	0	0	0	0	10	1	1	0	1	21
2626001	Milpitas School District			2	2	1	3	0	0	0	0	10	1	1	0	1	21
8610025	City of Milpitas		Midtown SP	4	6	1	4	0	0	0	0	2	1	1	0	1	20
8821065	City of Milpitas			4	0	1	2	0	0	0	0	10	1	1	0	1	20
2230035	City of Milpitas			4	2	5	4	0	0	0	0	2	1	1	0	1	20
2227001	City of Milpitas	Starlite Park Renovation, Abbott Ave. at Rudyard Dr.		4	0	1	4	0	0	0	5	2	1	1	0	1	19
2205079	City of Milpitas			4	4	1	5	0	0	0	0	2	1	1	0	1	19
2213001	City of Milpitas			4	6	1	3	0	0	0	0	2	1	1	0	1	19
2811032	City of Milpitas			4	6	1	2	0	0	0	0	2	1	1	0	1	18
8618049	Milpitas School District			2	6	1	4	0	0	0	0	2	1	1	0	1	18
8603096	City of Milpitas			4	2	1	4	0	0	0	0	2	1	1	0	1	16
8651012	City of Milpitas			4	2	1	4	0	0	0	0	2	1	1	0	1	16
2224006	City of Milpitas		Midtown SP	4	2	1	4	0	0	0	0	2	1	1	0	1	16
8604072	City of Milpitas			4	0	1	4	0	0	0	0	2	1	1	0	1	14
8604073	City of Milpitas			4	0	1	4	0	0	0	0	2	1	1	0	1	14
2811035	City of Milpitas			4	0	1	4	0	0	0	0	2	1	1	0	1	14
2203001	Milpitas School District			2	2	1	4	0	0	0	0	2	1	1	0	1	14
8832079	City of Milpitas			4	0	1	3	0	0	0	0	2	1	1	0	1	13

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Co-located Project	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
2820002	City of Milpitas			0	4	1	3	0	0	0	0	2	1	1	0	1	13
2203030	City of Milpitas			4	0	1	2	0	0	0	0	2	1	1	0	1	12

Appendix C

Guidance for Identifying Green Infrastructure Potential in Municipal Capital Improvement Program Projects

BASMAA Development Committee
Guidance for Identifying Green Infrastructure Potential
in Municipal Capital Improvement Program Projects
May 6, 2016

Background

In the recently reissued [Municipal Regional Stormwater Permit](#) (“MRP 2.0”), Provision C.3.j. requires Permittees to develop and implement Green Infrastructure Plans to reduce the adverse water quality impacts of urbanization on receiving waters over the long term. Provisions C.11 and C.12 require the Permittees to reduce discharges of Mercury and PCBs, and portion of these load reductions must be achieved by implementing Green Infrastructure. Specifically, Permittees collectively must implement Green Infrastructure to reduce mercury loading by 48 grams/year and PCB loading by 120 grams/year by 2020, and plan for substantially larger reductions in the following decades. Green Infrastructure on both public and private land will help to meet these load reduction requirements, improve water quality, and provide multiple other benefits as well. Implementation on private land is achieved by implementing stormwater requirements for new development and redevelopment (Provision C.3.a. through Provision C.3.i.). These requirements were carried forward, largely unchanged, from MRP 1.0.

MRP 2.0 defines Green Infrastructure as:

Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water.

In practical terms, most green infrastructure will take the form of diverting runoff from existing streets, roofs, and parking lots to one of two stormwater management strategies:

1. Dispersal to vegetated areas, where sufficient landscaped area is available and slopes are not too steep.
2. LID (bioretention and infiltration) facilities, built according to criteria similar to those currently required for regulated private development and redevelopment projects under Provision C.3.

In some cases, the use of tree-box-type biofilters may be appropriate¹. In other cases, where conditions are appropriate, existing impervious pavements may be removed and replaced with pervious pavements.

In MRP 2.0, Provision C.3.j. includes requirements for Green Infrastructure planning and implementation. Provision C.3.j. has two main elements to be implemented by municipalities:

1. Preparation of a Green Infrastructure Plan for the inclusion of LID drainage design into storm drain infrastructure on public and private land, including streets, roads, storm drains, etc.
2. Early implementation of green infrastructure projects (“no missed opportunities”),

This guidance addresses the second of these requirements. The intent of the “no missed opportunities” requirement is to ensure that no major infrastructure project is built without assessing the opportunity for incorporation of green infrastructure features.

Provision C.3.j.ii. requires that each Permittee prepare and maintain a list of green infrastructure projects, public and private, that are already planned for implementation during the permit term (not including C.3-regulated projects), and infrastructure projects planned for

¹ Standard proprietary tree-box-type biofilters are considered to be non-LID treatment and will only be allowed under certain circumstances. Guidance on use and sizing of these facilities will be provided in a separate document.

implementation during the permit term that have potential for green infrastructure measures. The list must be submitted with each Annual Report, including:

“... a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practical during the permit term. For any public infrastructure project where implementation of green infrastructure measures is not practicable, submit a brief description for the project and the reasons green infrastructure measures were impracticable to implement”.

This requirement has no specified start date; “during the permit term” means beginning January 1, 2016 and before December 31, 2020. The first Annual Report submittal date will be September 30, 2016.

Note that this guidance primarily addresses the review of proposed or planned public projects for green infrastructure opportunities. The Permittee may also be aware of proposed or planned private projects, not subject to LID treatment requirements, that may have the opportunity to incorporate green infrastructure. These should be addressed in the same way as planned public projects, as described below.

Procedure for Review of Planned Public Projects and Annual Reporting

The municipality’s Capital Improvement Program (CIP) project list provides a good starting point for review of proposed public infrastructure projects. Review of other lists of public infrastructure projects, such as those proposed within separately funded special districts (e.g., lighting and landscape districts, maintenance districts, and community facilities districts), may also be appropriate. This section describes a two-part procedure for conducting the review.

Part 1 – Initial Screening

The first step in reviewing a CIP or other public project list is to screen out certain types of projects from further consideration. For example, some projects (e.g., interior remodels, traffic signal replacement) can be readily identified as having no green infrastructure potential. Other projects may appear on the list with only a title, and it may be too early to identify whether green infrastructure could be included. Still others have already progressed past the point where the design can reasonably be changed (this will vary from project to project, depending on available budget and schedule).

Some “projects” listed in a CIP may provide budget for multiple maintenance or minor construction projects throughout the jurisdiction or a portion of the jurisdiction, such as a tree planting program, curb and sidewalk repair/upgrade, or ADA curb/ramp compliance. It is recommended that these types of projects not be included in the review process described herein. The priority for incorporating green infrastructure into these types of projects needs to be assessed as part of the Permittees’ development of Green Infrastructure Plans, and standard details and specifications need to be developed and adopted. During this permit term, Permittees will evaluate select projects, project types, and/or groups of projects as case studies and develop an approach as part of Green Infrastructure planning.

The projects removed through the initial screening process do not need to be reported to the Water Board in the Permittee’s Annual Report. However, the process should be documented and records kept as to the reason the project was removed from further consideration. Note that projects that were determined to be too early to assess will need to be reassessed during the next fiscal year’s review.

The following categories of projects may be screened out of the review process in a given fiscal year:

1. **Projects with No Potential** - The project is identified in initial screening as having no green infrastructure potential based on the type of project. For example, the project does not include any exterior work. Attachment 1 provides a suggested list of such projects that Permittees may use as a model for their own internal process.

2. **Projects Too Early to Assess** – There is not yet enough information to assess the project for green infrastructure potential, or the project is not scheduled to begin design within the permit term (January 2016 – December 2020). If the project is scheduled to begin within the permit term, an assessment will be conducted if and when the project moves forward to conceptual design.
3. **Projects Too Late to Change** – The project is under construction or has moved to a stage of design in which changes cannot be made. The stage of design at which it is too late to incorporate green infrastructure measures varies with each project, so a “percent-complete” threshold has not been defined. Some projects may have funding tied to a particular conceptual design and changes cannot be made even early in the design process, while others may have adequate budget and time within the construction schedule to make changes late in the design process. Agencies will need to make judgments on a case-by-case basis.
4. **Projects Consisting of Maintenance or Minor Construction Work Orders** – The “project” includes budgets for multiple maintenance or minor construction work orders throughout the jurisdiction or a portion of the jurisdiction. These types of projects will not be individually reviewed for green infrastructure opportunity but will be considered as part of a municipality’s Green Infrastructure Plan.

Part 2 – Assessment of Green Infrastructure Potential

After the initial screening, the remaining projects either already include green infrastructure or will need to go through an assessment process to determine whether or not there is potential to incorporate green infrastructure. A recommended process for conducting the assessment is provided later in this guidance. As a result of the assessment, the project will fall into one of the following categories with associated annual reporting requirements. Attachment 2 provides the relevant pages of the FY 15-16 Annual Report template for reference.

- **Project is a C.3-regulated project and will include LID treatment.**
Reporting: Follow current C.3 guidance and report the project in Table C.3.b.iv.(2) of the Annual Report for the fiscal year in which the project is approved.
- **Project already includes green infrastructure and is funded.**
Reporting: List the project in “Table B-Planned Green Infrastructure Projects” in the Annual Report, indicate the planning or implementation status, and describe the green infrastructure measures to be included.
- **Project may have green infrastructure potential** pending further assessment of feasibility, incremental cost, and availability of funding.
Reporting: If the feasibility assessment is not complete and/or funding has not been identified, list the project in “Table A-Public Projects Reviewed for Green Infrastructure” in the Annual Report. In the “GI Included?” column, state either “TBD” (to be determined) if the assessment is not complete, or “Yes” if it has been determined that green infrastructure is feasible. In the rightmost column, describe the green infrastructure measures considered and/or proposed, and note the funding and other contingencies for inclusion of green infrastructure in the project. Once funding for the project has been identified, the project should be moved to “Table B-Planned Green Infrastructure Projects” in future Annual Reports.
- **Project does not have green infrastructure potential.** A project-specific assessment has been completed, and Green Infrastructure is impracticable.
Reporting: In the Annual Report, list the project in “Table A-Public Projects Reviewed for Green Infrastructure”. In the “GI Included?” column, state “No.” Briefly state the reasons for the determination in the rightmost column. Prepare more detailed documentation of the reasons for the determination and keep it in the project files.

Process for Assessing Green Infrastructure Potential of a Public Infrastructure Project

Initial Assessment of Green Infrastructure Potential

Consider opportunities that may be associated with:

- Alterations to roof drainage from existing buildings
- New or replaced pavement or drainage structures (including gutters, inlets, or pipes)
- Concrete work
- Landscaping, including tree planting
- Streetscape improvements and intersection improvements (other than signals)

Step 1: Information Collection/Reconnaissance

For projects that include alterations to building drainage, identify the locations of roof leaders and downspouts, and where they discharge or where they are connected to storm drains.

For street and landscape projects:

- Evaluate potential opportunities to substitute pervious pavements for impervious pavements.
- Identify and locate drainage structures, including storm drain inlets or catch basins.
- Identify and locate drainage pathways, including curb and gutter.

Identify landscaped areas and paved areas that are adjacent to, or down gradient from, roofs or pavement. These are potential facility locations. *If there are any such locations, continue to the next step.* Note that the project area boundaries may be, but are not required to be, expanded to include potential green infrastructure facilities.

Step 2: Preliminary Sizing and Drainage Analysis

Beginning with the potential LID facility locations that seem most feasible, identify possible pathways to direct drainage from roofs and/or pavement to potential LID facility locations—by sheet flow, valley gutters, trench drains, or (where gradients are steeper) via pipes, based on existing grades and drainage patterns. Where existing grades constrain natural drainage to potential facilities, the use of pumps may be considered (as a less preferable option).

Delineate (roughly) the drainage area tributary to each potential LID facility location. Typically, this requires site reconnaissance, which may or may not include the use of a level to measure relative elevations.

Use the following preliminary sizing factor (facility area/tributary area) for the potential facility location and determine which of the following could be constructed within the existing right-of-way or adjacent vacant land. Note that these sizing factors are guidelines (not strict rules, but targets):

- Sizing factor ≥ 0.5 for dispersal to landscape or pervious pavement² (i.e., a maximum 2:1 ratio of impervious area to pervious area)
- Sizing factor ≥ 0.04 for bioretention
- Sizing factor ≥ 0.004 (or less) for tree-box-type biofilters

For bioretention facilities requiring underdrains and tree-box-type biofilters, note if there are potential connections from the underdrain to the storm drain system (typically 2.0 feet below soil surface for bioretention facilities, and 3.5 feet below surface for tree-box-type biofilters).

² Note that pervious pavement systems are typically designed to infiltrate only the rain falling on the pervious pavement itself, with the allowance for small quantities of runoff from adjacent impervious areas. If significant runoff from adjacent areas is anticipated, preliminary sizing considerations should include evaluation of the depth of drain rock layer needed based on permeability of site soils.

If, in this step, you have confirmed there may be feasible potential facility locations, *continue to the next step.*

Step 3: Barriers and Conflicts

Note that barriers and conflicts do not necessarily mean implementation is infeasible; however, they need to be identified and taken into account in future decision-making, as they may affect cost or public acceptance of the project.

Note issues such as:

- Confirmed or potential conflicts with subsurface utilities
- Known or unknown issues with property ownership, or need for acquisition or easements
- Availability of water supply for irrigation, or lack thereof
- Extent to which green infrastructure is an “add on” vs. integrated with the rest of the project

Step 4: Project Budget and Schedule

Consider sources of funding that may be available for green infrastructure. It is recognized that lack of budget may be a serious constraint for the addition of green infrastructure in public projects. For example, acquisition of additional right-of-way or easements for roadway projects is not always possible. Short and long term maintenance costs also need to be considered, and jurisdictions may not have a funding source for landscape maintenance, especially along roadways. The objective of this process is to identify opportunities for green infrastructure, so that if and when funding becomes available, implementation may be possible.

Note any constraints on the project schedule, such as a regulatory mandate to complete the project by a specific date, grant requirements, etc., that could complicate aligning a separate funding stream for the green infrastructure element. Consider whether cost savings could be achieved by integrating the project with other planned projects, such as pedestrian or bicycle safety improvement projects, street beautification, etc., if the schedule allows.

Step 5: Assessment—Does the Project Have Green Infrastructure Potential?

Consider the ancillary benefits of green infrastructure, including opportunities for improving the quality of public spaces, providing parks and play areas, providing habitat, urban forestry, mitigating heat island effects, aesthetics, and other valuable enhancements to quality of life.

Based on the information above, would it make sense to include green infrastructure into this project—if funding were available for the potential incremental costs of including green infrastructure in the project? Identify any additional conditions that would have to be met for green infrastructure elements to be constructed consequent with the project.

Attachment 1

Examples of Projects with No Potential for Green Infrastructure

- ☐ Projects with no exterior work (e.g., interior remodels)
- ☐ Projects involving exterior building upgrades or equipment (e.g., HVAC, solar panels, window replacement, roof repairs and maintenance)
- ☐ Projects related to development and/or continued funding of municipal programs or related organizations
- ☐ Projects related to technical studies, mapping, aerial photography, surveying, database development/upgrades, monitoring, training, or update of standard specs and details
- ☐ Construction of new streetlights, traffic signals or communication facilities
- ☐ Minor bridge and culvert repairs/replacement
- ☐ Non-stormwater utility projects (e.g., sewer or water main repairs/replacement, utility undergrounding, treatment plant upgrades)
- ☐ Equipment purchase or maintenance (including vehicles, street or park furniture, equipment for sports fields and golf courses, etc.)
- ☐ Irrigation system installation, upgrades or repairs

Attachment 2

Excerpts from the C.3 Section of the FY 15-16 Annual Report Template: Tables for Reporting C.3-Regulated Projects and Green Infrastructure Projects

Permittee Name: _____

**C.3.b.iv.(2) ► Regulated Projects Reporting Table (part 1) –
Projects Approved During the Fiscal Year Reporting Period**

Project Name Project No.	Project Location ⁹ , Street Address	Name of Developer	Project Phase No. ¹⁰	Project Type & Description ¹¹	Project Watershed ¹²	Total Site Area (Acres)	Total Area of Land Disturbed (Acres)	Total New Impervious Surface Area (ft ²) ¹³	Total Replaced Impervious Surface Area (ft ²) ¹⁴	Total Pre-Project Impervious Surface Area ¹⁵ (ft ²)	Total Post-Project Impervious Surface Area ¹⁶ (ft ²)
Private Projects											
Public Projects											
Comments:											
Guidance: If necessary, provide any additional details or clarifications needed about listed projects in this box. Do not leave any cells blank.											

⁹Include cross streets¹⁰If a project is being constructed in phases, indicate the phase number and use a separate row entry for each phase. If not, enter "NA".¹¹Project Type is the type of development (i.e., new and/or redevelopment). Example descriptions of development are: 5-story office building, residential with 160 single-family homes with five 4-story buildings to contain 200 condominiums, 100 unit 2-story shopping mall, mixed use retail and residential development (apartments), industrial warehouse.¹²State the watershed(s) in which the Regulated Project is located. Downstream watershed(s) may be included, but this is optional.¹³All impervious surfaces added to any area of the site that was previously existing pervious surface.¹⁴All impervious surfaces added to any area of the site that was previously existing impervious surface.¹⁵For redevelopment projects, state the pre-project impervious surface area.¹⁶For redevelopment projects, state the post-project impervious surface area.

Permittee Name: _____

C.3.b.iv.(2) ► Regulated Projects Reporting Table (part 2) – Projects Approved During the Fiscal Year
Reporting Period (public projects)

Project Name Project No.	Approval Date ²⁹	Date Construction Scheduled to Begin	Source Control Measures ³⁰	Site Design Measures ³¹	Treatment Systems Approved ³²	Operation & Maintenance Responsibility Mechanism ³³	Hydraulic Sizing Criteria ³⁴	Alternative Compliance Measures ^{35/36}	Alternative Certification ³⁷	HM Controls ^{38/39}
Public Projects										

Comments:

Guidance: If necessary, provide any additional details or clarifications needed about listed projects in this box. Note that MRP Provision C.3.c. contains specific requirements for LID site design and source control measures, as well as treatment measures, for all Regulated Projects. Entries in these columns should not be "None" or "NA". Do not leave any cells blank.

²⁹For public projects, enter the plans and specifications approval date.³⁰List source control measures approved for the project. Examples include: properly designed trash storage areas; storm drain stenciling or signage; efficient landscape irrigation systems; etc.³¹List site design measures approved for the project. Examples include: minimize impervious surfaces; conserve natural areas, including existing trees or other vegetation, and soils; construct sidewalks, walkways, and/or patios with permeable surfaces, etc.³²List all approved stormwater treatment system(s) to be installed onsite or at a joint stormwater treatment facility (e.g., flow through planter, bioretention facility, infiltration basin, etc.).³³List the legal mechanism(s) (e.g., maintenance plan for O&M by public entity, etc...) that have been or will be used to assign responsibility for the maintenance of the post-construction stormwater treatment systems.³⁴See Provision C.3.d.i. "Numeric Sizing Criteria for Stormwater Treatment Systems" for list of hydraulic sizing design criteria. Enter the corresponding provision number of the appropriate criterion (i.e., 1.a., 1.b., 2.a., 2.b., 2.c., or 3).³⁵For Alternative Compliance at an offsite location in accordance with Provision C.3.e.i.(1), on a separate page, give a discussion of the alternative compliance site including the information specified in Provision C.3.b.v.(1)(m)(i) for the offsite project.³⁶For Alternative Compliance by paying in-lieu fees in accordance with Provision C.3.e.i.(2), on a separate page, provide the information specified in Provision C.3.b.v.(1)(m)(ii) for the Regional Project.³⁷Note whether a third party was used to certify the project design complies with Provision C.3.d.³⁸If HM control is not required, state why not.³⁹If HM control is required, state control method used (e.g., method to design and size device(s) or method(s) used to meet the HM Standard, and description of device(s) or method(s) used, such as detention basin(s), bioretention unit(s), regional detention basin, or in-stream control).

Permittee Name: _____

C.3.j.ii.(2) ► Table A - Public Projects Reviewed for Green Infrastructure

Project Name and Location ⁴³	Project Description	Status ⁴⁴	GI Included? ⁴⁵	Description of GI Measures Considered and/or Proposed or Why GI is Impracticable to Implement ⁴⁶
EXAMPLE: Storm drain retrofit, Stockton and Taylor	Installation of new storm drain to accommodate the 10-yr storm event	Beginning planning and design phase	TBD	Bioretention cells (i.e., linear bulb-outs) will be considered when street modification designs are incorporated

C.3.j.ii.(2) ► Table B - Planned Green Infrastructure Projects

Project Name and Location ⁴⁷	Project Description	Planning or Implementation Status	Green Infrastructure Measures Included
EXAMPLE: Martha Gardens Green Alleys Project	Retrofit of degraded pavement in urban alleyways lacking good drainage	Construction completed October 17, 2015	The project drains replaced concrete pavement and existing adjacent structures to a center strip of pervious pavement and underlying infiltration trench.

⁴³ List each public project that is going through your agency's process for identifying projects with green infrastructure potential.

⁴⁴ Indicate status of project, such as: beginning design, under design (or X% design), projected completion date, completed final design date, etc.

⁴⁵ Enter "Yes" if project will include GI measures, "No" if GI measures are impracticable to implement, or "TBD" if this has not yet been determined.

⁴⁶ Provide a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practicable during the permit term. If review of the project indicates that implementation of green infrastructure measures is not practicable, provide the reasons why green infrastructure measures are impracticable to implement.

⁴⁷ List each planned (and expected to be funded) public and private green infrastructure project that is not also a Regulated Project as defined in Provision C.3.b.ii. Note that funding for green infrastructure components may be anticipated but is not guaranteed to be available or sufficient.

City of Milpitas

Green Stormwater Infrastructure Plan

Approved on: _____

Approved by: _____

Prepared by:

City of Milpitas

In compliance with Provision C.3.j.i.(2) of Order No. R2-2015-0049, NPDES Permit No. CAS612008

ACKNOWLEDGEMENTS

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LIST OF ACRONYMS

ABAG	Association of Bay Area Governments
BASMAA	Bay Area Stormwater Management Agencies Association
Caltrans	California Department of Transportation
CASQA	California Stormwater Quality Association
CIP	Capital Improvement Program
EPA	Environmental Protection Agency
FY	Fiscal Year
GI	Green Infrastructure
GIS	Geographic Information System
GSI	Green Stormwater Infrastructure
LID	Low Impact Development
MRP	Municipal Regional Stormwater NPDES Permit
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
PCB	Polychlorinated bi-phenyl
PDA	Priority Development Areas
ROW	Right of Way
RWQCB	San Francisco Bay Regional Water Quality Control Board
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SCVWD	Santa Clara Valley Water District (now known as Valley Water)
State Board	State Water Resource Control Board
SWRP	Storm Water Resource Plan
SWRCB	State Water Resource Control Board
TMDL	Total Maximum Daily Load
Water Board	San Francisco Bay Regional Water Quality Control Board

EXECUTIVE SUMMARY

Urban development has traditionally involved replacing natural landscapes with solid pavements and buildings, and using storm drain systems to carry increased amounts of stormwater runoff and pollutants directly into local streams. To reduce the impact of urban development on waterways, Bay Area municipalities are augmenting traditional stormwater conveyance systems with Green Stormwater Infrastructure (GSI) features.

GSI features mimic nature, and use plants, soils, and/or pervious surfaces to collect stormwater, allowing it to soak into the ground and be filtered by soil. This reduces the quantity of water and pollutants flowing into local creeks.

The City of Milpitas has prepared this GSI Plan to guide the siting, implementation, tracking, and reporting of GSI projects on City-owned land over the next several decades. Development of the GSI Plan is required by the City's Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.

The GSI Plan describes the City's methodology to identify and prioritize areas for implementing GSI, and estimates targets for the extent of the City's area that will be addressed by GSI through 2040. The Plan includes maps of the City's prioritized areas and potential project opportunities, and lays out the City's GSI implementation strategy. Key elements of the strategy include: coordination with GSI regulations for private development and opportunities in adjacent public rights-of-way; identification of GSI opportunities in capital projects; and aligning GSI goals and policies with other City planning documents to achieve multiple benefits and provide safer, sustainable, and attractive public streetscapes. The Plan contains guidance and standards for GSI project design and construction, and describes how the City will track and map constructed GSI projects and make the information available to the public. Lastly, it explains existing legal mechanisms to implement the GSI Plan, and identifies potential sources of funding for the design, construction, and maintenance of GSI projects.

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1. INTRODUCTION

Urban development has traditionally involved replacing natural landscapes with solid pavements and buildings, and using storm drain systems to carry increased amounts of stormwater runoff and pollutants directly into local streams. Green stormwater infrastructure (GSI), however, uses plants and soils to mimic natural watershed processes, capture stormwater and create healthier environments. Bay Area cities and counties are required by State and regional regulatory agencies to move from traditional (gray) stormwater conveyance systems to GSI systems over time. This GSI Plan serves as an implementation guide for the City of Milpitas (City) to incorporate GSI into storm drain infrastructure on public and private lands where feasible over the next several decades.

1.1 Purpose and Goals of the GSI Plan

The purpose of the City's GSI Plan is to demonstrate the City's commitment to gradually augment its traditional storm drainage infrastructure with green stormwater infrastructure. The GSI Plan will guide the identification, implementation, tracking, and reporting of green stormwater infrastructure projects within the City. The GSI Plan will be coordinated with other City plans, such as the General Plan, specific plans, storm drain and streetscape master plans, and the Climate Action Plan, to achieve multiple potential benefits to the community, including improved water and air quality, reduced local flooding, increased water supply, traffic calming, safer pedestrian and bicycle facilities, climate resiliency, improved wildlife habitat, and a more pleasant urban environment.

Specific goals of the GSI Plan are to:

- Align the City's goals, policies and implementation strategies for GSI with the General Plan and other related planning documents;
- Identify and prioritize GSI opportunities throughout the City;
- Establish targets for the extent of City area to be addressed by GSI over certain timeframes;
- Provide a workplan and legal and funding mechanisms to implement prioritized projects; and
- Establish a process for tracking, mapping, and reporting completed projects

1.2 City Description

Incorporated in January 1954, the City of Milpitas is located in Santa Clara County, and has a jurisdictional area of 8,640 acres.

According to the 2010 Census, the City had a population of 66,790, with a population density of 4,947 people per square mile and an average household size of 3.34. As of January 2019, according to the California Department of Finance (DOF), the estimated population is 76,231.

The City of Milpitas is home to innovative tech companies such as Flex, Cisco Systems, KLA-Tencor, FireEye, and View Glass Dynamic, among many others. A description of the City of Milpitas characteristics is provided below.

1.2.1 Geographic and Soil Characteristics

The City lies at the base of the Diablo Range, extending from its foothills on an alluvial plain of the Santa Clara Valley toward San Francisco Bay. East of Interstate 680, elevations vary from about 40 feet mean sea level at Evans Road to almost 800 feet at Monument Peak just west of Calaveras Reservoir. Once on the valley floor, the land falls away from the base of the hills toward the west, and approaches sea level

along the bay. The hillside area (which comprises almost one half of the City) is generally zoned for permanent open space and includes Ed Levin Regional Park.

Soil deposits on the valley floor are characteristic of historical creek deposits, also known as alluvial fan development¹. A majority of the soil within Milpitas is either clay or clayey loam with very low infiltration rates when wetted, and therefore has a high runoff potential. At the western city limits near Coyote Creek, some of the soil is loamier in nature with better infiltration characteristics and a moderate to high runoff potential. Because soil composition varies vertically as well as laterally, several soil types may underlie a particular site.

1.2.2 Land Use and Population Growth

According to the General Plan Housing Element Update 2015-2023 adopted April 2015, the City's population increased from approximately 63,000 in 2000 to approximately 68,000 in 2013, an eight-percent increase. In this same timeframe, the number of households grew from 17,132 to 19,300, an almost 13% increase. According to Association of Bay Area Governments (ABAG) projections, Milpitas is expected to gain approximately 12,500 households between 2010 and 2040, a 65 percent increase, considerably outpacing the growth rate in Santa Clara County (35 percent) and the Bay Area (27 percent). The relatively large amount of projected household growth in Milpitas aligns with the recent surge in residential construction in the City.

Land uses within the City of Milpitas and their percentage of the City's jurisdictional area as reported in the Milpitas General Plan Update Existing Conditions Report (adopted June 2018) are shown in Table 1-1. The City is currently close to build-out, with few open lots. The majority of future development will involve higher density redevelopment along major transportation corridors.

1.2.3 Recreation and Open Space

The Milpitas park system contains 34 parks, 24 tennis courts, several miles of trails, five community service buildings, a dog park, and a sports complex with swimming pools and indoor gymnasium. In addition, the Milpitas Unified School District allows mutual use of recreation facilities, such as ball fields, pools, and other sports fields.

¹ An alluvial fan is a triangle-shaped deposit of gravel, sand, and even smaller pieces of sediment, such as silt.

Table 1-1 Milpitas General Plan Land Use Designations (City Limits)

<i>LAND USE DESIGNATION</i>	<i>ACRES (GIS)</i>	<i>PERCENT OF TOTAL ACRES (CITY)</i>
Boulevard Very High Density Mixed Use	54.09	0.75%
General Commercial	357.52	4.93%
High Density Transit Oriented	33.17	0.46%
Hillside Low Density	391.04	5.39%
Hillside Medium Density	239.00	3.30%
Hillside Very Low Density	607.63	8.38%
Highway Service	140.71	1.94%
Industrial Park	687.80	9.49%
Manufacturing	661.07	9.12%
Multi-Family High Density	328.76	4.54%
Multi-Family Medium Density	160.92	2.22%
Mobile Home Park	53.11	0.73%
Mixed Use	65.23	0.90%
Professional & Administrative Office	13.96	0.19%
Public Facilities	302.68	4.18%
Permanent Open Space	992.89	13.70%
Residential Retail High Density Mixed Use	5.01	0.07%
Retail Subcenter	62.27	0.86%
Single Family Low Density	1,495.78	20.63%
Single Family Medium Density	171.43	2.36%
Town Center	135.97	1.88%
Urban Residential	25.27	0.35%
Multi-Family Very High Density	149.24	2.06%
Waterway	43.84	0.60%
Right-Of-Way	70.58	0.97%
Total	7,248.97	100.00%

Source: Milpitas General Plan Update Existing Conditions Report, June 2018

1.2.4 Transportation

The City's inventory of roads is classified based on capacity and intended purpose. City-owned roads include arterial and collector streets. Several major regional transportation facilities traverse the City including Interstates 680 and 880, State Route 237-Calaveras Boulevard, Montague Expressway, Santa Clara Valley Transportation Authority (VTA) Light Rail line, Union Pacific Railroad tracks and Bay Area Rapid Transit commuter rail line. These routes serve as major regional thoroughfares and offer opportunities for new, concentrated growth that minimizes impacts on existing neighborhoods.

1.2.5 Stormwater Drainage System

Storm runoff in Milpitas is collected in a system of underground pipes and a network of street gutters. Local runoff flows into creeks and channels that run through the City, ultimately discharging to Coyote Creek and the San Francisco Bay. Drainage in Milpitas generally is from the southeast to the northwest. Storm drain systems close to the Bay also tend to rely heavily upon pumping facilities to move water.

A variety of agencies maintain storm drainage systems within the City. The City has an estimated 105 linear miles of storm drains and 5,525 nodes (including manholes, catch basins, pump stations, detention basins, and outfalls). Runoff captured by the storm drain networks is discharged through a combination of gravity outfalls and pump stations into Coyote Creek. Existing pump station capacities are generally sufficient for runoff from the existing system. Valley Water (formerly called the Santa Clara

Valley Water District) has jurisdiction over the creeks running through the City and is the City's primary partner in the management of local storm water issues. Santa Clara County has jurisdiction over many of the storm drain collection systems associated with the County-owned roads (including Montague Expressway and Calaveras Road). Likewise, Caltrans maintains State roads, including Highways 680 and 880, and has jurisdiction over the storm drains associated with those roads.

1.2.6 Water Supply

The City receives its potable surface water supply from the San Francisco Public Utilities Commission and Valley Water. The City's Water and Sewer Utilities serve to provide these supplies, as well as recycled water, to City residents and businesses.

1.3 Regulatory Context

1.3.1 Federal and State Regulations and Initiatives

The U.S. Environmental Protection Agency (EPA) has authority under the Clean Water Act to promulgate and enforce stormwater related regulations. For the State of California, EPA has delegated the regulatory authority to the State Water Resources Control Board (State Water Board), which in turn, has delegated authority to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) to issue National Pollutant Discharge Elimination System (NPDES) permits in the San Francisco Bay Region. Stormwater NPDES permits allow stormwater discharges from municipal separate storm sewer systems (MS4s) to local creeks, San Francisco Bay, and other water bodies as long as they do not adversely affect the beneficial uses of or exceed any applicable water quality standards for those waters. Since the early 2000's, the EPA has recognized and promoted the benefits of using GSI in protecting drinking water supplies and public health, mitigating overflows from combined and separate storm sewers and reducing stormwater pollution, and it has encouraged the use of GSI by municipal agencies as a prominent component of their MS4 programs.

The State and Regional Water Boards have followed suit in recognizing not only the water quality benefits of GSI but the opportunity to augment local water supplies in response to the impacts of drought and climate change as well. The 2014 California Water Action Plan called for multiple benefit stormwater management solutions and more efficient permitting programs. This directive created the State Water Board's "Strategy to Optimize Resource Management of Stormwater" (STORMS). STORMS' stated mission is to "lead the evolution of storm water management in California by advancing the perspective that storm water is a valuable resource, supporting policies for collaborative watershed-level storm water management and pollution prevention, removing obstacles to funding, developing resources, and integrating regulatory and non-regulatory interests."²

These Federal and State initiatives have influenced approaches in Bay Area municipal stormwater NPDES permits, as described in Section 1.3.2.

1.3.2 Municipal Regional Stormwater Permit

The City is subject to the requirements of the Municipal Regional Stormwater NPDES Permit (MRP) for Phase I municipalities and agencies in the San Francisco Bay area (Order R2-2015-0049), which became effective on January 1, 2016. The MRP applies to 76 municipalities and flood control agencies that discharge stormwater to San Francisco Bay, collectively referred to as permittees.

² https://www.waterboards.ca.gov/water_issues/programs/stormwater/storms/

Over the last 13 years, under Provision C.3 of the MRP and previous permits, new development and redevelopment projects on private and public property that exceed certain size thresholds (“regulated projects”) have been required to mitigate impacts on water quality by incorporating “Low Impact Development” (LID) measures, including site design, pollutant source control, stormwater treatment and flow control measures as appropriate. LID treatment measures, such as rainwater harvesting and use, infiltration, and biotreatment, have been required on most regulated projects since December 2011.

Provision C.3.j of the current MRP requires the City to develop and implement a long-term GSI Plan³ for the inclusion of LID measures into storm drain infrastructure on public and private lands, including streets, roads, storm drains, parking lots, building roofs, and other elements. The GSI Plan must be completed and submitted to the Regional Water Board by September 30, 2019.

While Provision C.3.j of the MRP contains the GSI program planning and analysis requirements, other provisions (C.11 and C.12) establish a linkage between public and private GSI features and required reductions of pollutants in stormwater discharges. Permittees in Santa Clara County (County), collectively, must implement GSI on public and private property to achieve specified pollutant load reduction goals by the years 2020, 2030, and 2040. These efforts will be integrated and coordinated countywide for the most effective and resource-efficient program. As an indication as to whether these load reductions will be met, Permittees must include in their GSI Plans estimated “targets” for the amounts of impervious surface to be “retrofitted” (i.e., redeveloped or changed such that runoff from those surfaces will be captured in a stormwater treatment system or GSI measure) as part of public and private projects over the same timeframes (2020, 2030, and 2040).

A key part of the GSI definition in the MRP is the inclusion of GSI systems at both private and public property locations. This has been done in order to plan, analyze, implement and credit GSI systems for pollutant load reductions on a watershed scale, as well as recognize all GSI accomplishments within a municipality. The focus of the GSI Plan is the integration of GSI systems into public buildings, parks, parking lots, and rights-of-way (e.g. road or bike path). However, the GSI Plan may also establish opportunities to include GSI facilities at private properties or in conjunction with private development, so they can contribute to meeting the target load reductions on a county-wide level as well as implement GSI on a larger scale.

1.4 GSI Plan Development Process

1.4.1 GSI Plan Development and Adoption

The GSI Plan development process began with the preparation of the City’s GSI Plan Framework (Framework), a work plan describing the goals, approach, tasks, and schedule needed to complete the GSI Plan. Development of the Framework was a regulatory requirement (Provision C.3.j.i(1) of the MRP) to demonstrate the City’s commitment to completing the GSI Plan by September 30, 2019. The City completed the Framework and the City Council approved it on June 6, 2017.

The City established a GSI Work Group, consisting of staff from the City’s Land Development, Public Works, and Planning Departments. The GSI Work Group worked with a consultant team to develop the

³ Although the MRP uses the term green infrastructure (GI), the agencies within Santa Clara County, including the City of Milpitas, prefer to use the term green stormwater infrastructure (GSI). Therefore, the term GSI is used in this document.

GSI Plan. The Plan was presented to the Environmental and Energy Commission on April 17, 2019, and to City Council on September 3, 2019.

1.4.2 Regional Collaboration

The City is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), an association of thirteen cities and towns in the Santa Clara Valley, the County of Santa Clara, and the Water District that collaborate on stormwater regulatory activities and compliance. The City's GSI Plan was developed in collaboration with SCVURPPP; SCVURPPP input included technical guidance, templates, and completion of certain GSI Plan elements at the countywide level. SCVURPPP guidance and products are discussed in more detail in relevant sections of the GSI Plan.

The City, via SCVURPPP, also coordinated with the Bay Area Stormwater Management Agencies Association (BASMAA) on regional GSI guidance and received feedback through BASMAA from MRP regulators on GSI expectations and approaches. BASMAA members include other countywide stormwater programs in Alameda, Contra Costa, and San Mateo Counties, and area-wide programs in the Vallejo and Fairfield-Suisun portions of Solano County, whose participating municipalities are permittees under the MRP.

1.4.3 Education and Outreach

To get support and commitment to the Plan and this new approach to urban infrastructure, educating department staff, managers, and elected officials about the purposes and goals of green stormwater infrastructure, the required elements of the GSI Plan, and steps needed to develop and implement the GSI Plan was an important step in the development of the GSI Plan. Another important first step is local community and stakeholder outreach to gain public support. The City began this process in fiscal year 2016-2017 by completing the following tasks.

- Public Works staff attended the SCVURPPP GSI workshop on developing and implementing municipal GSI Plans, review of public projects for identifying GSI opportunities, and a group exercise to review an example CIP project list for GSI opportunities.
- Planning department staff attended the SCVURPPP annual C.3 workshop covering basic C.3 training, new requirements in the MRP, and presentations on GSI materials and design, construction and maintenance considerations for pervious paving.
- The City provided in-house training to Planning and Public Works Department staff on GSI requirements, strategies, and opportunities and convened interdepartmental meetings with affected department staff and management to discuss GSI requirements.

In addition, the City has coordinated with SCVURPPP on a countywide outreach and education program about GSI for the general public⁴, which includes a GSI website, public presentations, and radio and online advertising to promote GSI features.

The City will continue to conduct internal and external education and outreach about GSI as the GSI Plan is implemented and seek community input as specific projects are designed and constructed.

⁴ <http://www.mywatershedwatch.org/residents/green-streets/>

1.5 GSI Plan Structure and Required Elements

The remainder of the GSI Plan is structured as follows:

- Chapter 2 describes the definition, purpose, and benefits of GSI, and describes the different types of GSI facilities.
- Chapter 3 describes the relationship of the GSI Plan to other planning documents and how those planning documents have been updated or modified, if needed, to support and incorporate GSI requirements. For documents whose desired updates and modifications have not been accomplished by the completion of the GSI Plan, a work plan and schedule are laid out to complete them.
- Chapter 4 outlines the materials being developed by SCVURPPP and the City to provide guidelines, typical details, specifications and standards for municipal staff and others in the design, construction, and operation and maintenance of GSI measures.
- Chapter 5 presents the methodology and results for identifying and prioritizing areas for potential GSI projects.
- Chapter 6 outlines the City's strategy for implementing prioritized potential GSI projects within the next ten years and through 2040, presents targets for the amounts of impervious surface to be "retrofitted" with GSI within the City by 2020, 2030, and 2040, and discusses the variety of mechanisms to be employed by the City in order to implement the GSI Plan, including future planning, tracking, and funding.

The GSI Plan elements required by Provision C.3.j.i.(2) of the MRP and the section of the document in which each component can be found are summarized in Table 1-2 below.

Table 1-2 Summary of GSI Plan Elements required by Provision C.3.j.i of the MRP

MRP Provision	GSI Plan Elements	GSI Plan Section
C.3.j.i.(2)(a)	Project Identification and Prioritization Mechanism	Chapter 5
C.3.j.i.(2)(b)	Prioritized Project Locations	Section 5.3
C.3.j.i.(2)(c)	Impervious Surface Targets	Section 6.6
C.3.j.i.(2)(d)	Completed Project Tracking System	Section 6.7
C.3.j.i.(2)(e,f)	Guidelines and Specifications	Chapter 4
C.3.j.i.(2)(g)	Alternative Sizing Requirements for Green Street Projects	Section 4.1
C.3.j.i.(2)(h,i)	Integration with Other Municipal Plans	Chapter 3
C.3.j.i.(2)(i)	Workplan for Integration of GSI Language into City Planning Documents	Section 3.2
C.3.j.i.(2)(j)	Workplan to Complete Early Implementation Projects	Chapter 6.5
C.3.j.i.(2)(k)	Evaluation of Funding Options	Section 6.5
C.3.j.i.(3)	Legal and Implementation Mechanisms	Section 6.4

2. WHAT IS GREEN STORMWATER INFRASTRUCTURE?

In natural landscapes, most of the rainwater soaks into the soil or is taken up by plants and trees. However, in developed areas, building footprints and paved surfaces such as driveways, sidewalks, and streets prevent rain from soaking into the ground. As rainwater flows over and runs off these impervious surfaces, this “urban runoff” or “stormwater runoff” can pick up pollutants such as motor oil, sediment, metals, pesticides, pet waste, and litter. It then carries these pollutants into the City’s storm drains, which flow directly to local creeks and San Francisco Bay, without any cleaning or filtering to remove pollutants. Stormwater runoff is therefore a major contributor to water pollution in urban areas.

As urban areas develop, the increase in impervious surface also results in increases in peak flows and volumes of stormwater runoff from rain events. Traditional “gray” stormwater infrastructure, like most of the City’s storm drain system, is designed to convey stormwater flows quickly away from urban areas. However, the increased peak flows and volumes can cause erosion, flooding, and habitat degradation in downstream creeks to which stormwater is discharged, damaging habitat, property, and infrastructure.

2.1 Green Stormwater Infrastructure

A new approach to managing stormwater is to implement green stormwater infrastructure. GSI uses vegetation, soils, and other elements and practices to capture, treat, infiltrate and slow urban runoff and thereby restore some of the natural processes required to manage water and create healthier urban environments. GSI facilities can also be designed to capture stormwater for uses such as irrigation and toilet flushing.

GSI integrates building and roadway design, complete streets, drainage infrastructure, urban forestry, soil conservation and sustainable landscaping practices to achieve multiple benefits. At the city or county scale, GSI is a patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the neighborhood or site scale, GSI comprises stormwater management systems that mimic nature and soak up and store water.⁵

2.2 Benefits of Green Stormwater Infrastructure

GSI can provide multiple benefits beyond just managing rainfall and runoff. These benefits include environmental, economic, and social improvements.

GSI measures can mitigate localized flooding and reduce erosive flows and quantities of pollutants being discharged to local creeks and the San Francisco Bay. Vegetated GSI systems can beautify public places and help improve air quality by filtering and removing airborne contaminants from vehicle and industrial sources. They can also reduce urban heat island effects by providing shade and absorbing heat better than paved surfaces, and provide habitat for birds, butterflies, bees, and other local species. When GSI facilities are integrated into traffic calming improvements such as curb extensions and bulb-outs at intersections, they can help increase pedestrian and bicycle safety and promote active transportation, which in turn can result in improved human health.

GSI facilities designed with extra storage can capture stormwater for later use as irrigation water or non-potable uses such as toilet flushing and cooling tower supply, thus conserving potable water supplies.

⁵ <https://www.epa.gov/green-infrastructure/what-green-infrastructure>

Widespread implementation of GSI potentially offers significant economic benefits, such as deferring or eliminating the need for some gray infrastructure projects. By providing more storage within the watershed, GSI can help reduce the costs of conveyance and pumping of stormwater. When cost-benefit analyses are performed, GSI is often the preferred alternative due to the multiple benefits provided by GSI as compared to conventional infrastructure.

2.3 Types of Green Stormwater Infrastructure Facilities

Integrating GSI into public spaces typically involves construction of stormwater capture and treatment measures in public streets, parks, and parking lots or as part of public buildings. Types of GSI measures that can be constructed in public spaces include: (1) bioretention; (2) stormwater tree well filters; (3) pervious pavement, (4) infiltration facilities, (5) green roofs, and (6) rainwater harvesting and use facilities. A description of these facility types is provided below.

2.3.1 Biotreatment/Bioretention

Bioretention areas are depressed landscaped areas that consist of a ponding area, mulch layer, plants, and a special biotreatment soil media composed of sand and compost, underlain by drain rock and an underdrain, if required. Bioretention is designed to retain stormwater runoff, filter stormwater runoff through biotreatment soil media and plant roots, and either infiltrate stormwater runoff to underlying soils as allowed by site conditions, or release treated stormwater runoff to the storm drain system, or both. They can be of any shape and are adaptable for use on a building or parking lot site or in the street right-of-way. Parking lots can accommodate bioretention areas in medians, corners, and pockets of space unavailable for parking.

Bioretention systems in the streetscape have specific names: stormwater planters, stormwater curb extensions (or bulb-out), and stormwater tree well filters (described in the next section).

A stormwater curb extension (Figure 2-1) is a bioretention system that extends into the roadway and involves modification of the curb line and gutter. Stormwater curb extensions may be installed midblock or at an intersection. Curb bulb-outs and curb extensions installed for pedestrian safety, traffic calming, and other transportation benefits can also provide opportunities for siting bioretention facilities.

A stormwater planter is a linear bioretention facility in the public right-of-way along the edge of the street, often in the planter strip between the street and sidewalk. They are typically designed with vertical (concrete) sides. However, they can also have sloped sides depending on the amount of space that is available.

2.3.2 Stormwater Tree Well Filters and Suspended Pavement Systems

A stormwater tree well filter is a type of bioretention system consisting of an excavated pit or vault that is filled with biotreatment soil media, planted with a tree and other vegetation, and underlain with drain rock and an underdrain, if needed. Stormwater tree well filters can be constructed in series and linked via a subsurface trench or underdrain. A stormwater tree well filter can require less dedicated space than other types of bioretention areas.



Figure 2-1 Stormwater curb extension, Rosita Park, Los Altos (Source: City of Los Altos)

Suspended pavement systems may be used to provide increased underground treatment area and soil volume for tree well filters. These are structural systems designed to provide support for pavement while preserving large volumes of uncompacted soil for tree roots (see Figure 2-2). Suspended pavement systems may be any engineered system of structural supports or commercially available proprietary structural systems.

Stormwater tree well filters and suspended pavements systems are especially useful in settings between existing sidewalk elements where available space is at a premium. They can also be used in curb extensions or bulb-outs, medians, or parking lots if surrounding grades allow for drainage to those areas. The systems can be designed to receive runoff through curb cuts or catch basins or allow runoff to enter through pervious pavers on top of the structural support.



Figure 2-2 Stormwater tree well filter conceptual examples: modular suspended pavement system (left), column suspended pavement system (right) (Source: City of Philadelphia Water Department)

2.3.3 Pervious Pavement

Pervious pavement is hardscape that allows water to pass through its surface into a storage area filled with gravel prior to infiltrating into underlying soils. Types of pervious pavement include permeable interlocking concrete pavers, pervious concrete, porous asphalt, and grid pavement. Pervious pavement is often used in parking areas or on streets where bioretention is not feasible due to space constraints or if there is a need to maintain parking. Pervious pavement does not require a dedicated surface area for treatment and allows a site to maintain its existing hardscape.

There are two types of pervious pavers: Permeable Interlocking Concrete Pavers (PICP) and Permeable Pavers (PP). PICP (Figure 2-3) allow water to pass through the joint spacing between solid pavers, and PP allow water to pass through the paver itself and therefore can have tighter joints. Porous asphalt and pervious concrete are similar to traditional asphalt and concrete, but do not include fine aggregates in the mixture, allowing water to pass through the surface. All types are supported by several layers of different sizes of gravel to provide structural support and water storage.



Figure 2-3 Permeable Pavers, Higuera Adobe Park, Milpitas (Source: City of Milpitas)

2.3.4 Infiltration Facilities

Where soil conditions permit, infiltration facilities can be used to capture stormwater and infiltrate it into native soils. The two primary types are infiltration trenches and subsurface infiltration systems.

An infiltration trench is an excavated trench backfilled with a stone aggregate and lined with a filter fabric. Infiltration trenches collect and detain runoff, store it in the void spaces of the aggregate, and allow it to infiltrate into the underlying soil. Infiltration trenches can be used along roadways, alleyways, and the edges or medians of parking lots. An example of an infiltration trench is shown in Figure 2-4.

Subsurface infiltration systems are another type of GSI measure that may be used beneath parking lots or parks to infiltrate larger quantities of runoff. These systems, also known as infiltration galleries, are underground vaults or pipes that store and infiltrate stormwater while preserving the uses of the land surface above parking lots, parks and playing fields. An example is shown in Figure 2-5. Storage can take the form of large-diameter perforated metal or plastic pipe, or concrete arches, concrete vaults, plastic chambers or crates with open bottoms. Prefabricated, modular infiltration galleries are available in a variety of shapes, sizes, and material types that are strong enough for heavy vehicle loads.

2.3.5 Green Roofs

Green roofs are vegetated roof systems that filter, absorb, and retain or detain the rain that falls upon them. Green roof systems are comprised of a layer of planting media planted with vegetation, underlain by other structural components including waterproof membranes, synthetic insulation, geofabrics, and underdrains. A green roof can be either “extensive”, with 3 to 7 inches of lightweight planting media and low-profile, low-maintenance plants, or “intensive”, with a thicker (8 to 48 inches) of media, more varied plantings, and a more garden-like appearance. Green roofs can provide high rates of rainfall retention via plant uptake and evapotranspiration and can decrease peak flow rates in storm drain systems because of the storage that occurs in the planting media during rain events. An example of a green roof is provided in Figure 2-6.



Figure 2-4 Infiltration Trench, San Jose
(Source: City of San Jose)



Figure 2-5 Subsurface infiltration system
(Source: Conteches.com)



Figure 2-6 Green Roof at Fourth Street Apartments, San José
(Source: EOA)

2.3.6 Rainwater Harvesting and Use

Rainwater harvesting is the process of collecting rainwater from impervious surfaces and storing it for later use. Storage facilities that can be used to capture stormwater include rain barrels, above-ground cisterns (Figure 2-7), below-ground cisterns, open storage reservoirs (e.g., ponds), and various underground storage devices (tanks, vaults, pipes, and proprietary storage systems). The captured water is then fed into irrigation systems or non-potable water plumbing systems, either by pumping or by gravity flow. Uses of captured water may include irrigation, vehicle washing, and indoor non-potable use such as toilet flushing, heating and cooling, or industrial processing.

The two most common applications of rainwater harvesting are: 1) collection of roof runoff from buildings; and 2) collection of runoff from at-grade surfaces or diversion of water from storm drains into large underground storage facilities below parking lots or parks. Rooftop runoff usually contains lower quantities of pollutants than at-grade surface runoff and can be collected via gravity flow. Underground storage systems typically include pre-treatment facilities to remove pollutants from stormwater prior to storage and use.



Figure 2-7 Rainwater harvesting cistern, Environmental Innovation Center, San José (Source: City of San Jose)



Figure 2-8 Subsurface vault under construction (Source: Conteches.com)

3. INTEGRATION WITH OTHER PLANNING DOCUMENTS

To ensure the success of the GSI Plan and its implementation, its goals, policies and implementation strategies should align with the City's General Plan and other related planning documents. The MRP requires that municipal agencies review such documents and include in their GSI Plans a summary of any planning documents aligned with the GSI Plan or updated or modified to appropriately incorporate GSI requirements. The GSI Plan must also include a workplan identifying how GSI measures will be included in future plans.

3.1 City Planning Document Review

The City completed a review of its existing planning documents to determine the extent to which GSI-related language, concepts and policies have been incorporated. The plans that were reviewed are listed below:

- General Plan (Overall)
- General Plan – Housing Element
- General Plan – Climate Action Plan
- Midtown Specific Plan
- Transit Area Specific Plan
- Streetscape Master Plan
- Storm Drain Master Plan
- Urban Water Management Plan
- Parks and Recreation Master Plan

The following sections provide a brief discussion for each plan. A prioritized workplan for the integration of GSI language into existing and future City planning documents is provided in Section 3.2.

3.1.1 General Plan (Overall)

The City of Milpitas adopted its current General Plan in 1994. The City is currently updating the existing General Plan, to make sure it is consistent with the long-term vision for Milpitas and in compliance with new laws related to climate change, multimodal transportation, and safety. As part of the Plan update, the existing elements may be reorganized and new elements may be added.

The first step in preparing each updated General Plan Element is the preparation of a draft Policy Set. Each draft policy set includes Goals, Policies, and Actions that represent the core of the associated General Plan Element. Draft Policy Set documents for 1) Utilities and Community Services; 2) Parks, Recreation and Open Space; and 3) Safety Policy have been prepared by the City. A review of the documents determined that they have been updated to include the following language related to GSI:

- **Utilities and Community Services, version July 24, 2018**
 - ***Policy UCS 1-2 (Page UCS-1):*** Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
 - ***Action UCS 1a (Page UCS-4):*** Periodically review and update City master plans for the provision and/or extension of public services to serve existing and future development.

These plans include, but are not limited to, the Water Master Plan, the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.

- **Parks, Recreation, and Open Space, version August 7, 2017**
 - ***Policy PROS 1-15 (Page PROS-3):*** Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate the use of recycled water, native and/or drought-resistant vegetation and ground cover where appropriate. Pursue opportunities for multi-beneficial park developments that incorporate flood control facilities, stormwater management and groundwater recharge areas.
 - ***Policy PROS 3-4 (Page PROS-6):*** Where feasible, integrate open space, drainage and stream corridors with trails and other recreational open space amenities in an environmentally sustainable manner.
 - ***Policy PROS 3-8 (Page PROS-7):*** Encourage innovative open space and recreational amenities within urban activity centers including green roofs, rooftop parks and gardens, and support public access to these amenities.
- **Safety Policy, version August 7, 2017**
 - ***Policy SA 2-7 (Page SA-3):*** Encourage flood control measures identified within the Conservation Element such as bioswales, Low Impact Development (LID) strategies, green streets and parking lots and permeable materials that enhance natural drainage features, vegetation, and natural waterways, while still providing for adequate flood control and protection.

3.1.2 General Plan – Housing Element

The Housing Element is the chapter of the General Plan that local jurisdictions in California use to plan for current and future housing needs. The most current Housing Element was adopted in 2015 and covers the 2015-2023 planning period. It does not include language related to GSI concepts and requirements.

Regulated development projects are subject to MRP Provision C.3 requirements for low impact development (LID) site design, source control, and stormwater treatment measures; however, there is an opportunity to incorporate language in support of GSI in the Housing Element to emphasize the City's commitment to sustainable development to protect water quality.

3.1.3 General Plan – Climate Action Plan

The City's Climate Action Plan (CAP) establishes goals, measures, and actions in the energy, water, transportation, solid waste, and off-road equipment⁶ sectors. It also establishes implementation programs and a framework to monitor and report progress. It was last updated in 2013 and encourages the adoption of standards that require the use of open-grid pavement systems in parking lots and plazas. The plan also encourages the use of trees for urban cooling. Language in support of GSI includes:

- ***Measure 1.5 Urban Cooling, Action E (Page 4-9):*** Reduce heat gain from surface parking lots in new development for a minimum of 50% of the site's hardscape. Develop standards to provide shade from the existing tree canopy or from appropriately selected new trees that complement

⁶ Defined in the CAP as construction and lawn and garden equipment/vehicles.

site characteristics and maximize drought tolerance. Where feasible, use open-grid pavement systems (at least 50% pervious, which would also satisfy the stormwater Low Impact Development requirement).

- **Measure 5.2 Urban Plazas, Action D (Page 4-17):** *Adopt standards to require the use of pervious paving materials in plazas, in addition to the provision of mature landscaping and other strategies that will maximize GHG reduction potential.*

3.1.4 Midtown Specific Plan

The Milpitas Midtown Specific Plan was developed to address several issues and concerns for the Midtown Area. The plan was adopted in 2002 and updated in March 2010. It provides policies and guidelines and identifies improvements to streetscapes, infrastructure, and public open spaces. The plan encourages the development of green streets and the inclusion of features that increase the amount of permeable surfaces in streets and parking areas in new development. Language in support of GSI includes:

- **Section 5 Community Design, Goal 3 (Page 5-2):** *With a greater intensity of development and a diversity of uses, urban open spaces and “green linkages” (i.e., green streets and pedestrian/bicycle trails) should be developed to provide amenity and a location for city celebrations and special events.*
- **Storm Drainage Policy 6.8 (Page 6-9):** *Design features that increase the amount of permeable surfaces in streets and parking areas, detain runoff, reduce contaminants, increase percolation and improve water quality.*

3.1.5 Transit Area Specific Plan

The Milpitas Transit Area Specific Plan is a plan for the redevelopment of an approximately 437-acre area in the southern portion of the City that currently includes a number of industrial uses near the Great Mall shopping center. The Transit Area Specific Plan is a component of the City’s General Plan and has binding legal authority to guide land use, circulation, and infrastructure in the Planning Area. It was last updated in 2011. The plan recognizes the need for construction projects to comply with the NPDES permit for stormwater discharges with a stormwater control plan and the implementation of BMPs to control both stormwater peak flows and pollutant levels. The plan also encourages the use of landscaped setbacks and traffic buffers. It currently does not include specific language to promote GSI in public rights-of-way.

3.1.6 Streetscape Master Plan

The Streetscape Master Plan includes design guidelines for major gateways and entries into the city. Throughout the Master Plan there are recommendations for upgrading existing streetscape situations, as well as guidelines for new streetscape development. The Streetscape Master Plan was last updated in 2000 and is designed to be coordinated with other existing city programs. Language in support of GSI includes the following:

- **Introduction (Page 3):** *The reduction of paved areas with landscape treatments can increase ground water recharge, as well as reduce the amounts of grease and oil transported to streams. They can help slow surface run-off from storms and reduce soil erosion and sedimentation of streams.*

- **Goals and Strategies for Street Plantings (Page 5):** Create standards for the planting of new trees that will enhance the city environment, aesthetics, commercial, industrial and residential property values, provide climatic enhancements and mitigate undesirable pollution.

3.1.7 Storm Drain Master Plan

The Storm Drain Master Plan was adopted in 2013 and identifies the capital improvements needed to maintain recommended levels of protection from flood risk, and the need for a revenue stream that will allow the necessary capital improvements to be made and the storm drain system kept in working order into the future. The plan recognizes that the City's storm drain capital improvement plan must address storm water quality protection needs defined by the MRP and includes a section on MRP requirements. The plan also includes a discussion of detention and retention facilities and how these can reduce peak flows.

3.1.8 Urban Water Management Plan

The 2015 Urban Water Management Plan (UWMP) serves as a water supply planning tool for the City of Milpitas. The plan does not include language in support of GSI. Staff will consider opportunities for aligning the UWMP during the next update cycle.

3.1.9 Parks and Recreation Master Plan

The City of Milpitas is committed to providing high-quality Parks and Recreation facilities that fulfill the current goals of the community, while accommodating future growth. To that end, the City of Milpitas initiated the Parks and Recreation Master Plan in the summer of 2007. The resulting Master Plan outlines an implementation process that is based on community feedback, a thorough assessment of current needs, and forecasts for future growth.

The Milpitas Parks and Recreation Master Plan encourages the incorporation of on-site stormwater management and trees and other plantings in the park site design.

Section 1.3 Environmental Design (page 1.3-22 – 1.3-23): Green components and materials can be included in almost any park or facility...Green parks minimize the ecological costs of construction and ongoing use, as well as enhance the environment and wildlife habitat. Green design considers a number of factors including: Sustainable sites, Water efficiency, Energy and atmosphere, Materials and resources. Innovation and design process includes: Integrating on site storm water management, Using native plants in landscaping, Using noninvasive environmentally appropriate plants, Using recycled and renewable resources, Using local materials, Locating the site proximate to alternative transportation.

3.2 Workplan for Integration of GSI Language into Existing and Future City Planning Documents

As described above, several City planning documents include language that supports the implementation of GSI. Draft updates to the General Plan (Utilities and Community Services Element; Parks, Recreation and Open Space Element; Safety Policy Element), are also aligned with, and support the City's objectives for GSI. To facilitate support for and implementation of GSI in the City, other City planning documents could be updated to include additional GSI-related language. Plans will be updated in accordance with each document's scheduled update in the table below. The City's Planning Department will be responsible for these updates.

Table 3-1 Workplan for Integration of GSI Language into Existing City Planning Documents

Name of Plan To Be Updated	Anticipated Date of Completion/Update
Draft General Plan (Utilities and Community Services Element; Parks, Recreation and Open Space Element; Safety Policy Element)	FY 2019-20
General Plan – Housing Element	FY 2023-2024
Climate Action Plan Update	FY 2019-2020
Storm Drain Master Plan	FY 2020-2021
Urban Water Management Plan	FY 2020-2021

When preparing new planning documents, such as the Trails Master Plan, the Urban Forestry Plan, and the Bike and Pedestrian Plan, the City will review GSI Plan requirements during the planning process to ensure that GSI requirements and policies are incorporated. Examples of GSI related language can be found in existing City plans, and in references such as SCVURPPP’s Model Green Infrastructure Language for Incorporation into Municipal Plans (2016).

3.3 GSI Plan Relationship to Regional Plans

The City of Milpitas participates in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), an association of 13 cities, the County of Santa Clara, and Valley Water that are permittees under the MRP. This partnership allows sharing of resources toward permit compliance and collaboration on projects of mutual benefit.

The City is collaborating with SCVURPPP, Valley Water, and other agencies on several large-scale planning efforts including those described below.

3.3.1 Santa Clara Basin Stormwater Resource Plan

A collaboration between SCVURPPP and Valley Water during 2017 and 2018, the Santa Clara Basin Storm Water Resources Plan (SWRP) supports municipal GSI Plans by identifying and prioritizing potential multi-benefit GSI opportunities on public parcels and street rights-of-way throughout the Basin (i.e., Santa Clara Valley) and allows them to be eligible for State bond-funded implementation grants. The SWRP includes a list of prioritized GSI opportunity locations for each SCVURPPP agency, including Milpitas. As described in Section 5.2, the City’s GSI Plan builds on the SWRP output to further identify, evaluate, and prioritize potential projects.

3.3.2 Valley Water’s One Water Plan

Valley Water’s Watershed Division is leading an effort to develop an Integrated Water Resources Master Plan to identify, prioritize, and implement activities at a watershed scale to maximize established water supply, flood protection, and environmental stewardship goals and objectives. The “One Water Plan” establishes a framework for long-term management of Santa Clara County water resources, which eventually will be used to plan and prioritize projects that maximize multiple benefits. The One Water Plan incorporates knowledge from past planning efforts, builds on existing and current related planning

efforts; and coordinates with relevant internal and external programs. The One Water Plan has five goals:

1. “Valued and Respected Rain” – Manage rainwater to improve flood protection, water supply, and ecosystem health.
2. “Healthful and Reliable Water” – Enhance the quantity and quality of water to support beneficial uses.
3. “Ecologically Sustainable Streams and Watersheds” – Protect, enhance and sustain healthy and resilient stream ecosystems.
4. “Resilient Baylands” – Protect, enhance and sustain healthy and resilient baylands ecosystems and infrastructure.
5. “Community Collaboration” – Work in partnership with an engaged community to champion wise decisions on water resources.

Tier 1 of the effort, for which a draft plan was completed in 2016⁷, is a countywide overview of major resources and key issues along with identified goals and objectives. Tier 2 (2016 to 2020) will include greater detail on each of the County’s five major watersheds, including the Coyote watershed in which the City of Milpitas is located. The City’s GSI Plan aligns with the goals of the One Water Plan and may be able to coordinate with specific projects yet to be identified in the Coyote watershed.

3.3.3 Bay Area Integrated Regional Water Management Plan

The Bay Area Integrated Regional Water Management Plan⁸ (IRWMP) is a comprehensive water resources plan for the Bay region that addresses four functional areas: 1) water supply and water quality; 2) wastewater and recycled water; 3) flood protection and stormwater management; and 4) watershed management and habitat protection and restoration. It provides a venue for regional collaboration and serves as a platform to secure state and federal funding. The IRWMP includes a list of over 300 project proposals, and a methodology for ranking those projects for the purpose of submitting a compilation of high priority projects for grant funding. The Santa Clara Basin SWRP was submitted to the Bay Area IRWMP Coordinating Committee and incorporated into the IRWMP as an addendum. As SWRP projects are proposed for grant funding, they will be added to the IRWMP list using established procedures.

⁷ Santa Clara Valley Water District. 2016. One Water Plan for Santa Clara County. An Integrated Approach to Water Resources Management. Preliminary Draft Report 2016. <https://onewaterplan.wordpress.com/>

⁸ <http://bayareairwmp.org/>

4. GSI DESIGN GUIDELINES, DETAILS, AND SPECIFICATIONS

The MRP requires that the GSI Plan include general design and construction guidelines, standard specifications and details (or references to those documents) for incorporating GSI components into projects within the City. These guidelines and specifications should address the different street and project types within the City, as defined by its land use and transportation characteristics, and allow projects to provide a range of functions and benefits, such as stormwater management, bicycle and pedestrian mobility and safety, public green space, and urban forestry.

The City, along with other SCVURPPP agencies, helped fund and provided input to the development of countywide guidelines by SCVURPPP to address the MRP requirements and guide the implementation of GSI Plans. The resulting SCVURPPP GSI Handbook (Handbook) is a comprehensive guide to planning and implementation of GSI projects in public streetscapes, parking lots and parks. The Handbook consists of two parts, the contents of which are described in the following sections. The City intends to use this Handbook as a reference when creating City-specific guidelines and specifications to meet the needs of the various departments.

4.1 Design Guidelines

Part 1 of the Handbook provides guidance on selection, integration, prioritization, sizing, construction, and maintenance of GSI facilities. It includes sections describing the various types of GSI, their benefits, and design considerations; how to incorporate GSI with other uses of the public right-of-way, such as bicycle and pedestrian infrastructure and parking; and guidelines on utility coordination and landscape design for GSI. In addition, the Handbook also provides guidance on post-construction maintenance practices and design of GSI to facilitate maintenance.

Part 1 also contains a section on proper sizing of GSI measures. Where possible, GSI measures should be designed to meet the same sizing requirements as Regulated Projects, which are specified in MRP Provision C.3.d. In general, the treatment measure design standard is capture and treatment of 80% of the annual runoff (i.e., capture and treatment of the small, frequent storm events). However, if a GSI measure cannot be designed to meet this design standard due to constraints in the public right-of-way or other factors, the City may still wish to construct the measure to provide some runoff reduction and water quality benefit and achieve other benefits. For these situations, the Handbook describes regional guidance on alternative design approaches developed by the Bay Area Stormwater Management Agencies Association (BASMAA) for use by MRP permittees.

4.2 Details and Specifications

Part 2 of the Handbook contains typical details and specifications that have been compiled from various sources within California and the U.S. and modified for use in Santa Clara County. The Handbook includes details for pervious pavement, stormwater planters, stormwater curb extensions, bioretention in parking lots, infiltration measures, and stormwater tree wells, as well as associated components such as edge controls, inlets, outlets, and underdrains. It also provides typical design details for GSI facilities in the public right-of-way that address utility protection measures and consideration of other infrastructure in that space.

4.3 Incorporation of SCVURPPP Details and Specifications into City Standards

The City will evaluate the SCVURPPP GSI Guidelines and Specifications for consistency with its own local standards, and incorporate them into the City's Standard Details and Specifications for Construction as needed.

5. GSI PROJECT PRIORITIZATION

To meet the requirements of the MRP, the City's GSI Plan must contain a project identification and prioritization mechanism. The mechanism must include the criteria for prioritization and outputs that can be incorporated into the City's long-term planning and capital improvement processes.

This chapter describes different GSI project categories considered within the City, followed by a description of the process employed by the City to identify public lands that offer opportunities to implement GSI and prioritize those opportunities, and the results of the process.

5.1 Project Types

GSI project types that have been or may be implemented in the City fall into the following categories: Early Implementation Projects, C3 Regulated Projects, Green Streets, LID Retrofits, and Regional Projects. Green Streets, LID Retrofits, and Regional Projects are types of GSI capital projects that the City may implement to meet the water quality goals in the MRP and multi-benefit objectives defined in the GSI Plan. GSI capital projects are typically not regulated projects (although they must conform to the sizing and design requirements contained in Provision C.3, except under certain circumstances) and they are primarily public projects under control of the City. These three project types are the focus of the prioritization process described in Section 5.2, but all five GSI project types are considered as part of the City wide GSI strategy presented in Chapter 6. Several factors, such as change in scope of work, funding, site conditions, etc. determine the ability of the City to implement GSI capital projects.

5.1.1 Early Implementation Projects

Early Implementation Projects are GSI projects that have already been implemented by the City, or are planned for implementation in during the permit term (i.e., before December 2020), or have been identified as the City as having potential for GSI.

5.1.2 LID Projects

LID projects mitigate stormwater impacts by reducing runoff through capture and/or infiltration and treating stormwater on-site before it enters the storm drain system. LID projects may include bioretention facilities, infiltration trenches, detention and retention areas in landscaping, pervious pavement, green roofs, and systems for stormwater capture and use. For the purposes of the GSI Plan, LID projects are GSI facilities that treat runoff generated from a publicly-owned parcel on that parcel.

5.1.3 Regional Projects

Regional projects capture and treat stormwater runoff from on-site and off-site sources, including surface runoff and diversions from storm drains. Benefits of regional stormwater capture projects can include flood risk reduction, stormwater treatment and use, and groundwater recharge. These projects may take a variety of forms such as detention and retention basins and subsurface vaults and infiltration galleries. The site characteristics will determine what types of regional projects are feasible, e.g., whether a project is on-line or off-line from the storm drain network, whether it is desirable to change the functionality of the site, whether the project is above ground or underground, and the size of the project.

5.1.4 Green Street Projects

Green street projects are GSI opportunities in the public right-of-way that capture runoff from the street and adjacent areas that drain to the street. The technologies used for green streets are similar to those used in LID projects but are limited to designs that can be used in the right-of-way. Green street projects may include bioretention (e.g., stormwater planters, stormwater curb extensions or stormwater tree filters), pervious pavement, and/or infiltration trenches. Green street GSI features can be incorporated into other improvements in the right-of-way, including complete streets designs and improvements for pedestrian and cyclist safety. .

5.2 Identification and Prioritization Process

The City of Milpitas GSI opportunity identification and prioritization process involved two steps. The first step was the screening and prioritization methodology used in the Santa Clara Basin SWRP (see Section 3.3.1) to identify and prioritize GSI opportunities on public parcels and street segments within the region. The second step in the process involved overlaying City-specific priorities, planning areas, and upcoming City projects onto the regional prioritization results to align the results of the SWRP prioritization process with the City's priorities. These steps are described in detail below.

5.2.1 Step 1: Stormwater Resource Plan Prioritization

Building on existing documents that describe the characteristics and water quality and quantity issues within the Santa Clara Basin (i.e., the portion of Santa Clara County that drains to San Francisco Bay), the SWRP identified and prioritized multi-benefit GSI opportunities throughout the Basin, using a metrics-based approach for quantifying project benefits such as volume of stormwater infiltrated and/or treated, and quantity of pollutants removed. The metrics-based analysis was conducted using hydrologic/ hydraulic and water quality models coupled with Geographic Information System (GIS) resources and other tools. The products of these analyses were a map of opportunity areas for GSI projects throughout the watershed, an initial prioritized list of potential project opportunities, and strategies for implementation of these and future projects.

The process began by identifying and screening public parcels and public rights-of-way that can support GSI. Project opportunities were split into the three categories described above – LID, regional, and green streets projects -- because of fundamental differences in GSI measures used, project scale, and measures of treatment efficiency. Screening factors are presented in Table 5-1.

After the identification of feasible GSI opportunity locations, screened streets and parcels were prioritized to aid in the selection of project opportunities that would be the most effective and provide the greatest number of benefits. In addition to physical characteristics, several special considerations were included in the prioritization methodology to consider coordination with currently planned projects provided by agencies, as well as consideration of additional benefits that projects could provide. A discussion of the screening and prioritization process for each project category is presented in the subsequent sections. Figures 5-1 through 5-3 present the results of the various steps.

Table 5-1 Screening factors for parcel-based and right-of-way project opportunities

Screening Factor	Characteristic	Criteria	Reason
Parcel-based			
Public Parcels	Ownership	County, City, Town, SCVWD, State, Open Space Agencies	Identify all public parcels for regional stormwater capture projects or onsite LID retrofits
	Land Use	Park, School, Other (e.g., Golf Course)	
Suitability	Parcel Size	≥ 0.25 acres	Opportunity for regional stormwater capture project
		< 0.25 acres	Opportunity for on-site LID project
	Site Slope	< 10 %	Steeper grades present additional design challenges
Right-of-Way			
Selection	Ownership	Public	Potential projects are focused on public right-of-way opportunities
Suitability	Surface	Paved	Only roads with paved surfaces are considered suitable. Dirt roads were not considered.
	Slope	< 5%	Steep grades present additional design challenges; reduced capture opportunity due to increased runoff velocity
	Speed	≤ 45mph	Excludes higher speed roads such as major arterials and highways

LID and Regional Stormwater Capture Project Opportunities

The screening criteria for LID and regional project opportunities were ownership (focusing only on public parcels), land use, and site slope. As shown in Table 5-1, parcel size was used to determine whether a location could support a regional or LID project.

Parcels that met the screening criteria were prioritized based on physical characteristics such as soil group, slope, and percent impervious area, proximity to storm drains, proximity to flood-prone creeks and areas, proximity to potential pollutant sources, whether they were in a priority development area, whether they were within a defined proximity to a planned project, and whether the project was expected to have other benefits such as augmenting water supply, providing water quality source control, re-establishing natural hydrology, creating or enhancing habitat, and enhancing the community. Prioritization metrics for LID project scoring and regional project scoring are shown in separate tables in

Appendix A. The result of the parcel prioritization was a list and map of potential project locations based on the above criteria.

Green Street Project Opportunities

The screening criteria for green streets project opportunities in the public right-of-way were ownership, surface material, slope, and speed limit (Table 5-1). The screened public right-of-way street segments (approximately one block in length) were then prioritized based on physical characteristics, proximity to storm drains, proximity to flood-prone creeks and areas, proximity to potential pollutant sources, whether they were in a priority development area, whether they were in proximity to a planned project, and whether the project was expected to have other benefits (similar to LID and regional projects). Prioritization metrics for green streets projects are shown in Appendix A.

The initial prioritization process resulted in a large number of potential green streets project opportunities within the Santa Clara Basin. In order to identify the optimal locations for green street projects, the street segments in each municipality's jurisdiction with scores in the top 10 percent of ranked green street opportunities were identified and mapped.

The City-owned parcel-based and green street opportunities for the City of Milpitas are shown in Figure 5-1, and provided in a tabular format in Appendix B. This subset of project opportunities from the SWRP was carried over into Step 2 City-Specific Prioritization (Section 5.2.2).

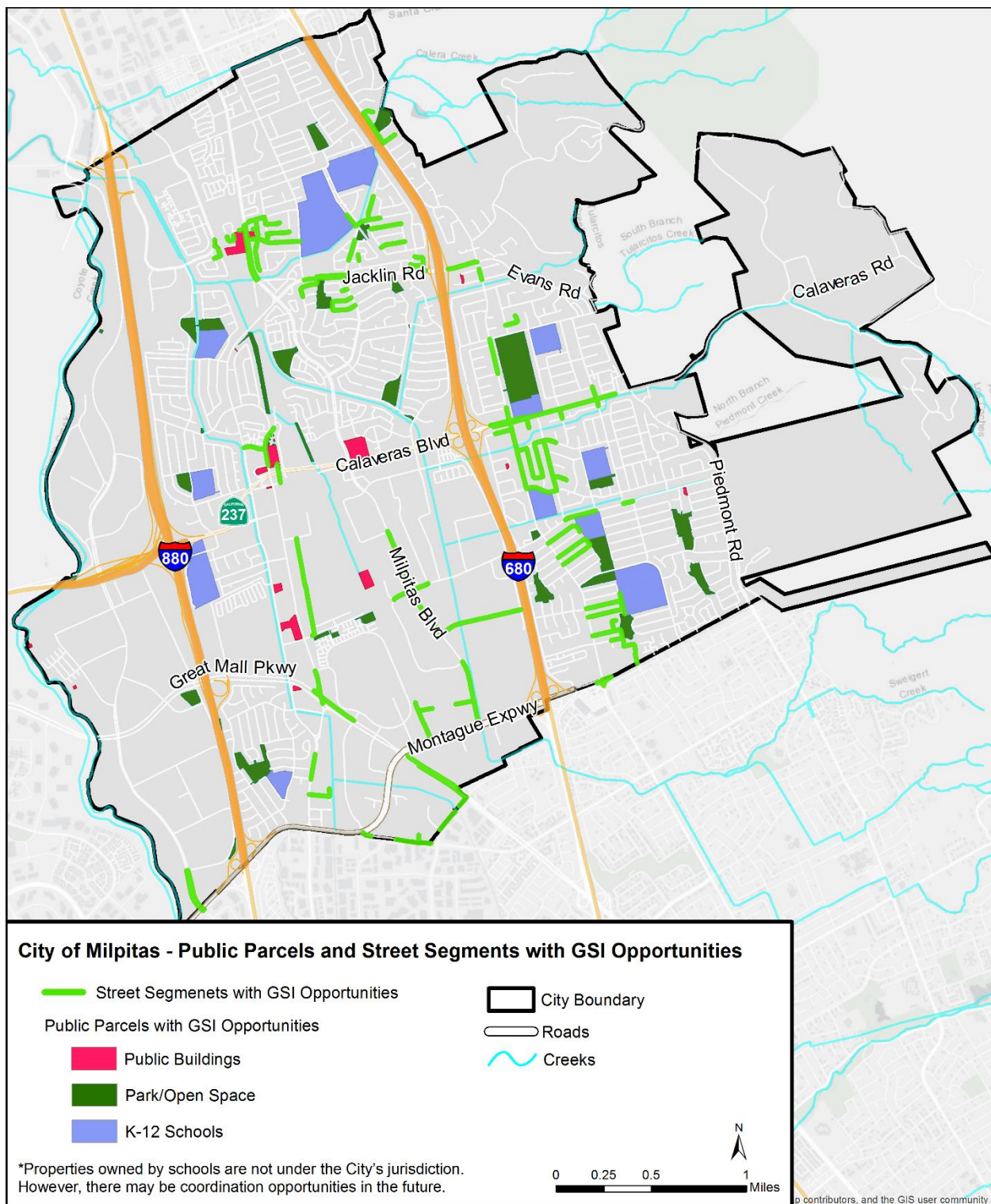


Figure 5-1 City of Milpitas Public Parcels and Street Segments with GSI Opportunities (Source: Santa Clara Basin Stormwater Resource Plan)

5.2.2 Step 2: City-Specific Prioritization

The City's local priorities for project implementation included: 1) upcoming capital improvement projects that could be combined with GSI projects, 2) opportunities to implement GSI projects in conjunction with anticipated focus areas of private development and 3) opportunities to address pollutants in runoff from old industrial areas.

Upcoming Capital Improvement Projects with Potential for GSI

As required by the MRP, the City reviews its Capital Improvement Program (CIP) project list annually to identify opportunities for GSI. Based on this review, the City prepares and maintains a list of public GSI projects that are planned for implementation during the permit term and public projects that have potential for GSI measures. The list is submitted with each Annual Report to the Regional Water Board. Through its CIP project review, the City identified some projects as having potential to include GSI. Project descriptions are provided below. Projects locations are shown on the map in Figure 5-2.

- **Park Renovations** - Renovate the following City parks: Sandalwood Park, Ben Rogers Park, Dixon Landing Park, Foothill Park, Hidden Lakes Park Renovation, Murphy Park, Peter D. Gill Park, Robert E. Browne Park, Sinnott Park, Starlite Park, Strickroth Park. Renovations could include improvements to picnic areas, playground area, pathways, landscape areas, tennis courts, parking lots, sports fields, restroom facilities, and infrastructure. Consider installing bioretention areas as part of the improvements.
- **TASP Community Facility Building (location to be determined)** - Construct a new satellite community center/recreation within the TASP area. Consider installing bioretention areas in the existing public right of way.
- **Fire Station #3 Replacement** - Construct a new fire station building and make surface improvements. Consider installing bioretention areas in the existing public right of way.
- **Trade Zone/Montague Park- Central** - Construct a new park. Consider installing bioretention areas in the existing public right of way.
- **Montague Expressway Widening** – West Widen Montague Expy to four lanes in each direction and provide streetscape improvements from Great Mall Parkway to S. Main Street. Consider installing bioretention areas in the existing public right of way
- **Main Fire Station #1 Assessment** - Building assessment study for future renovations. If approved, consider installing bioretention areas in the existing public right of way, building, and exterior pavement/parking lot
- **Police/Public Works Building Assessment** - Building assessment study for future renovations. Consider installing bioretention areas in the existing public right of way, building, and exterior pavement/parking lot
- **Dixon Landing Road Plan Line Study** - Plan Line Study to evaluate the widening of Dixon Landing Road from N. Milpitas Blvd. to I-880 to provide three lanes and bike lane in each direction. Consider installing bioretention areas in the existing public right of way.
- **Costa Street Plan Line Study** - Plan Line Study to evaluate the extension of Costa Street to connect to South Adel and South Main Street. Consider installing bioretention areas in the existing public right of way.
- **City Parking Lot Rehabilitation Program** - Rehabilitation of City-owned parking lots at various city buildings including City Hall, Public Works Department, Police Department, Community Center, Barbara Lee Senior Center, Adult Education Center, Sport Center, library, fire stations #2

and #4, and utility pump stations. Consider installing bioretention areas and permeable pavement on-site, if feasible.

- **South Milpitas Blvd Vehicular Bridge at Penitencia** - Construct new vehicular bridge to connect Sango Court and Tarob Court. Consider installing bioretention areas in the existing public right of way.

Specific Plan Areas

The City's General Plan (2002 update) and the recently completed DRAFT Milpitas Land Use Alternative Report (2018), which was prepared as part of the ongoing General Plan Update, identify the Midtown Specific Plan and Transit Area Specific Plan areas as two of the City's major growth areas. Many of the future residential uses are planned within close proximity to transit opportunities within the Transit Area Specific Plan, and as mixed-use housing opportunities within the Midtown Specific Plan. Figure 5-3 shows the boundaries of the Midtown Specific Plan and Transit Area Specific Plan.

Priority Development Areas

On July 26, 2017, the governing bodies of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2040⁹ as an updated, long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Region. The Plan identifies Priority Development Areas (PDAs), which represent areas local jurisdictions have identified as infill development opportunities and easily accessible to transit, jobs, shopping and service.

Plan Bay Area identifies the Transit Area PDA as an approved PDA. The boundaries of this PDA align with the boundaries of the City's *Transit Area Specific Plan*. *Plan Bay Area* also identifies the Santa Clara Valley Transportation Authority City Cores, Corridors, and Station Areas as a potential PDA. The PDAs are presented on Figure 5-4.

Old Industrial Areas

Stormwater runoff from industrial areas can contain pollutants such as metals, sediment, industrial chemicals, and trash. GSI installations in public streets near industrial areas may help remove these pollutants from stormwater runoff. Old industrial areas (i.e., industrial areas developed before 1980) are shown in Figure 5-5 identifies the locations of older industrial areas within the City of Milpitas. Future redevelopment of these industrial areas may create opportunities for the City to explore the installation of GSI features in the public right-of-way.

⁹ Association of Bay Area Governments and Metropolitan Transportation Commission (2017) Plan Bay Area 2040. Adopted July 26. Online at www.planbayarea.com

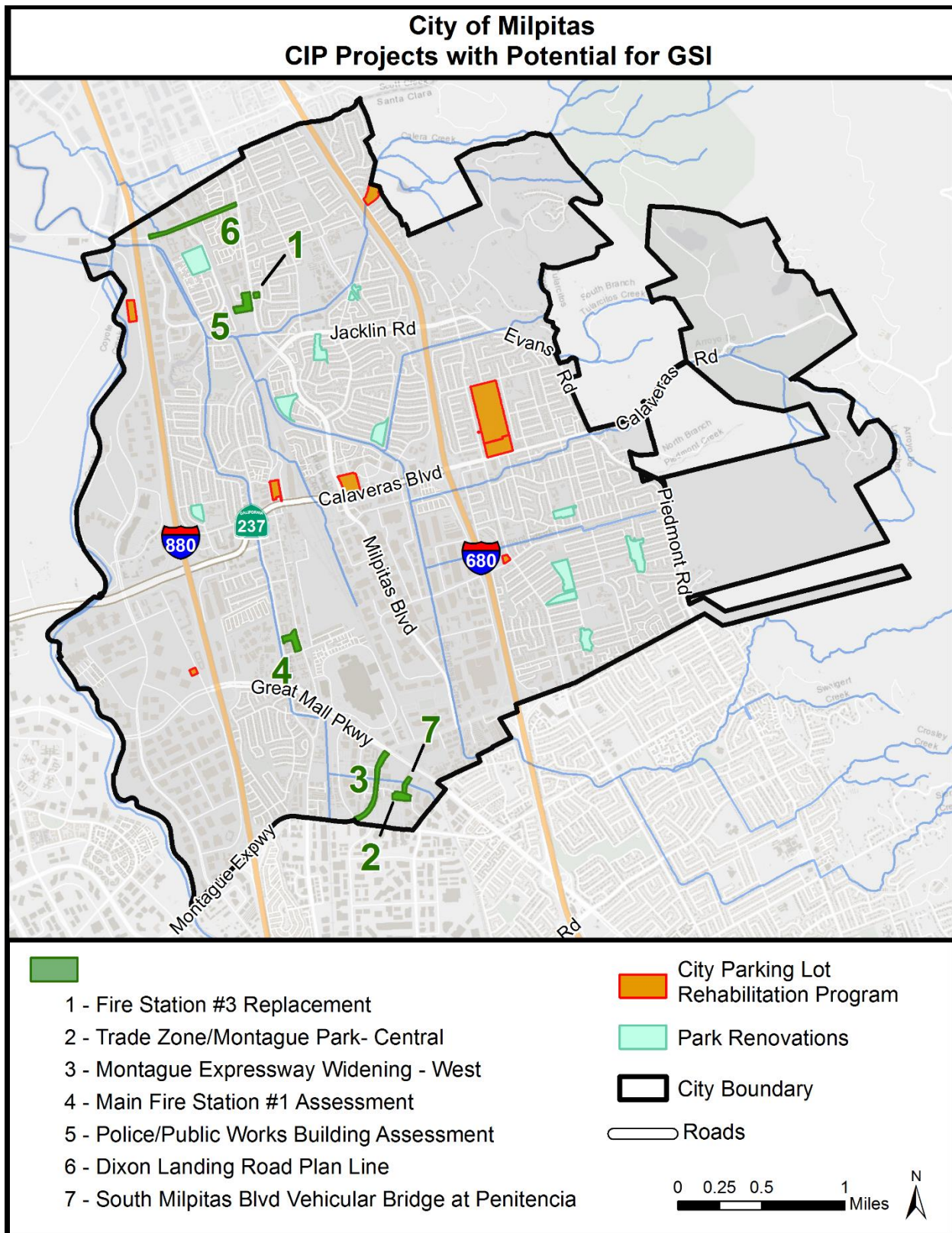


Figure 5-2. City of Milpitas Public Projects with Potential for GSI (Source: City of Milpitas)

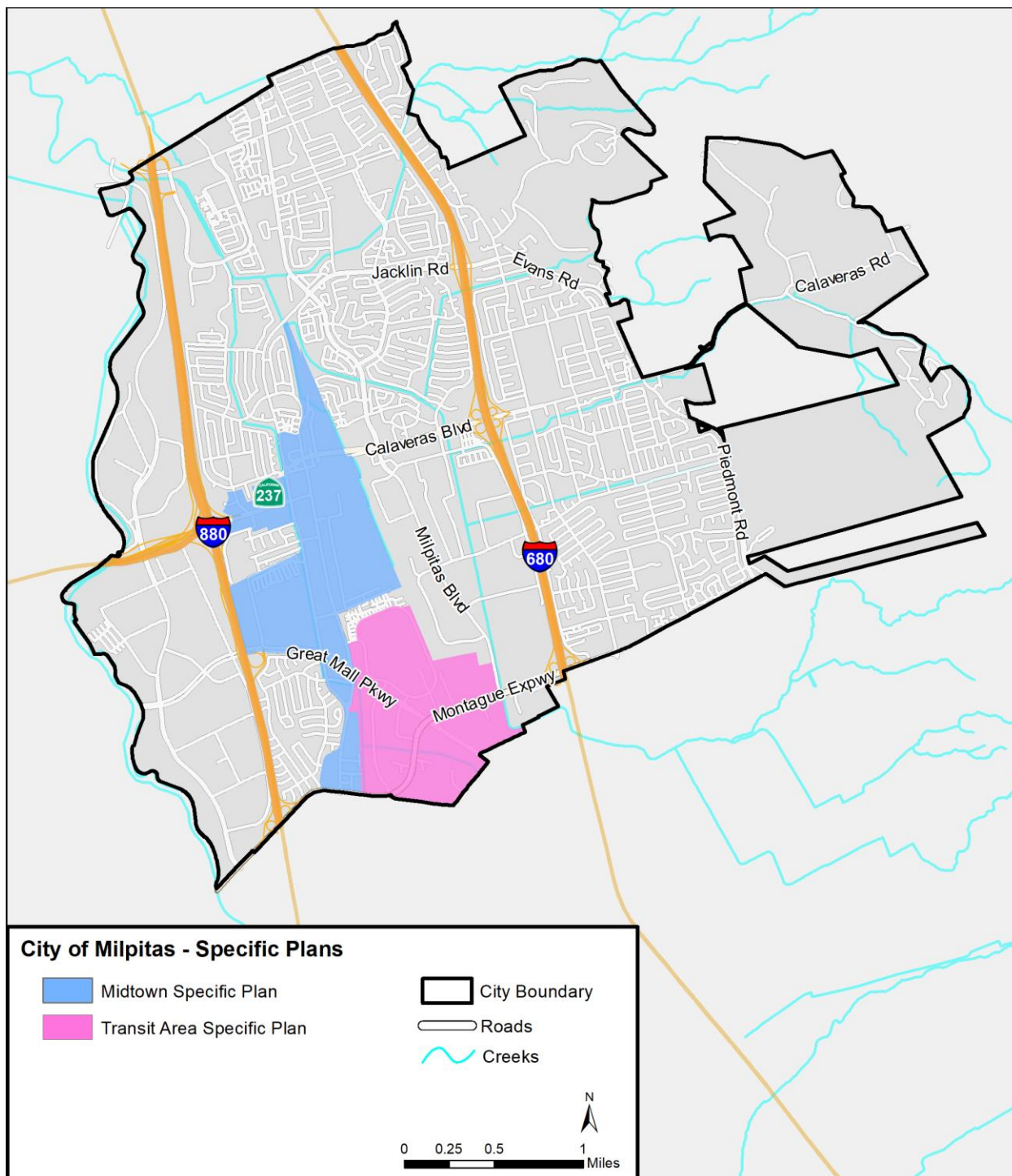


Figure 5-3 City of Milpitas Specific Plan Areas (Source – City of Milpitas)

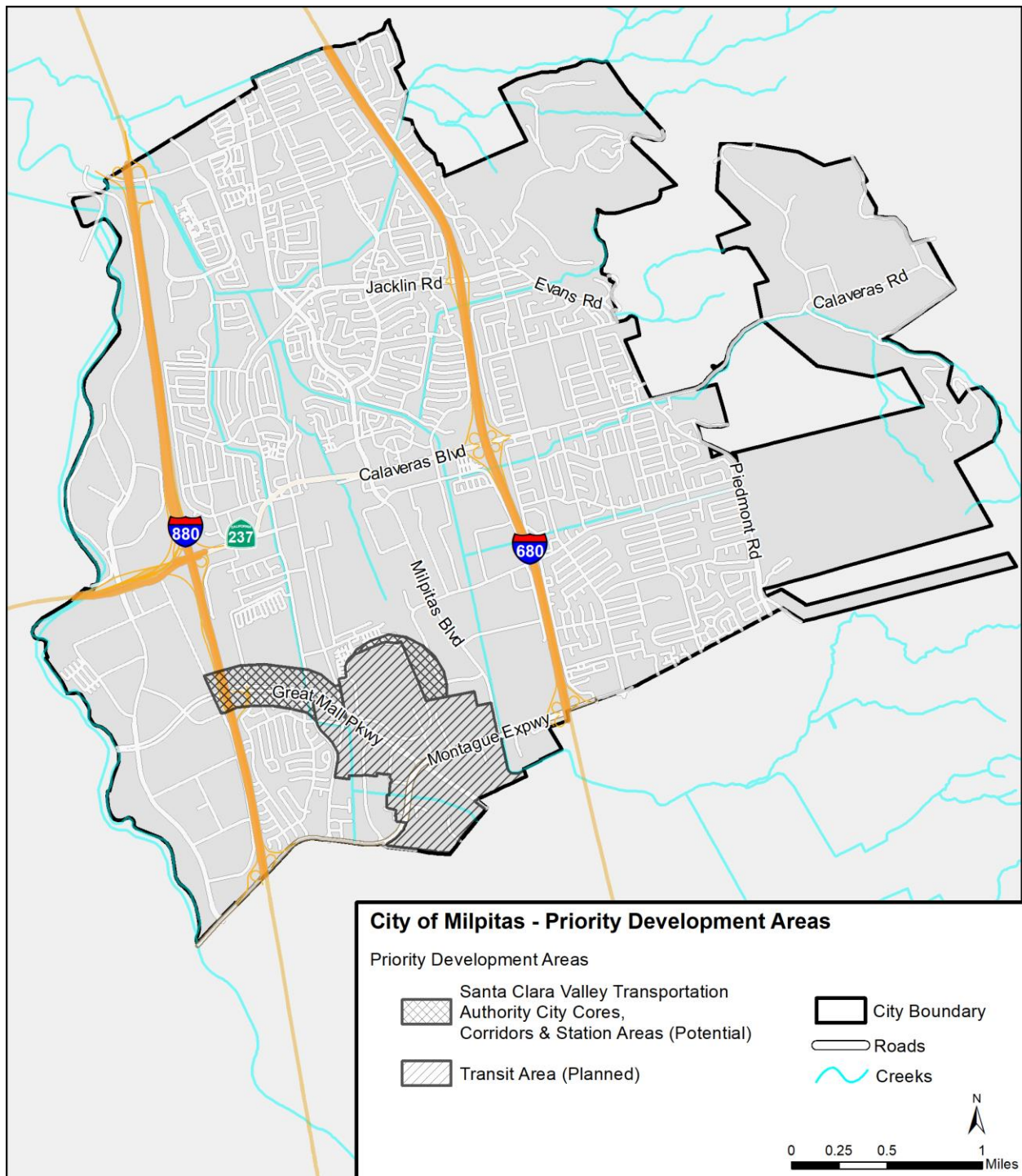


Figure 5-4 Priority Development Areas (source: MTC Open Data Layer Library)

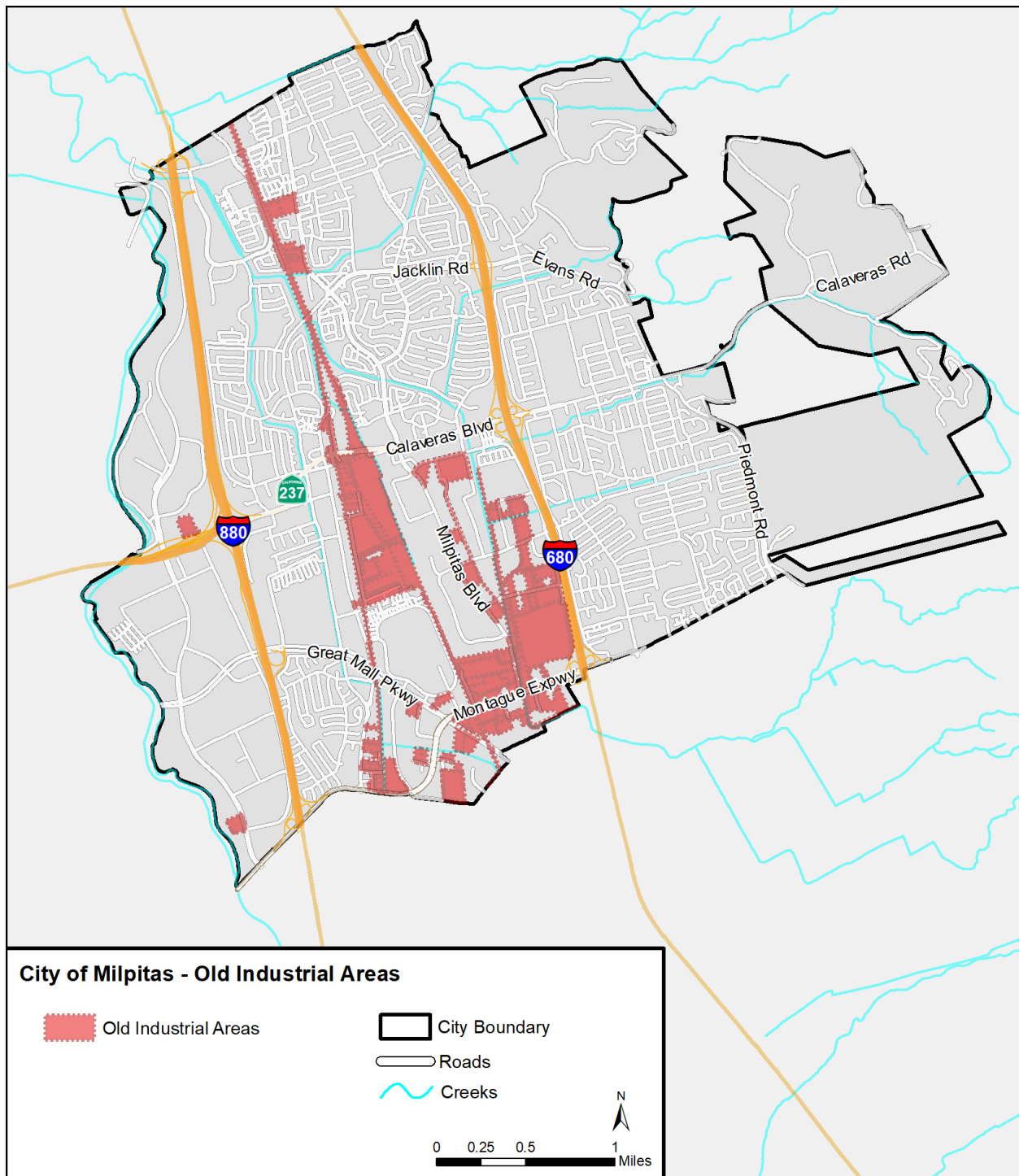


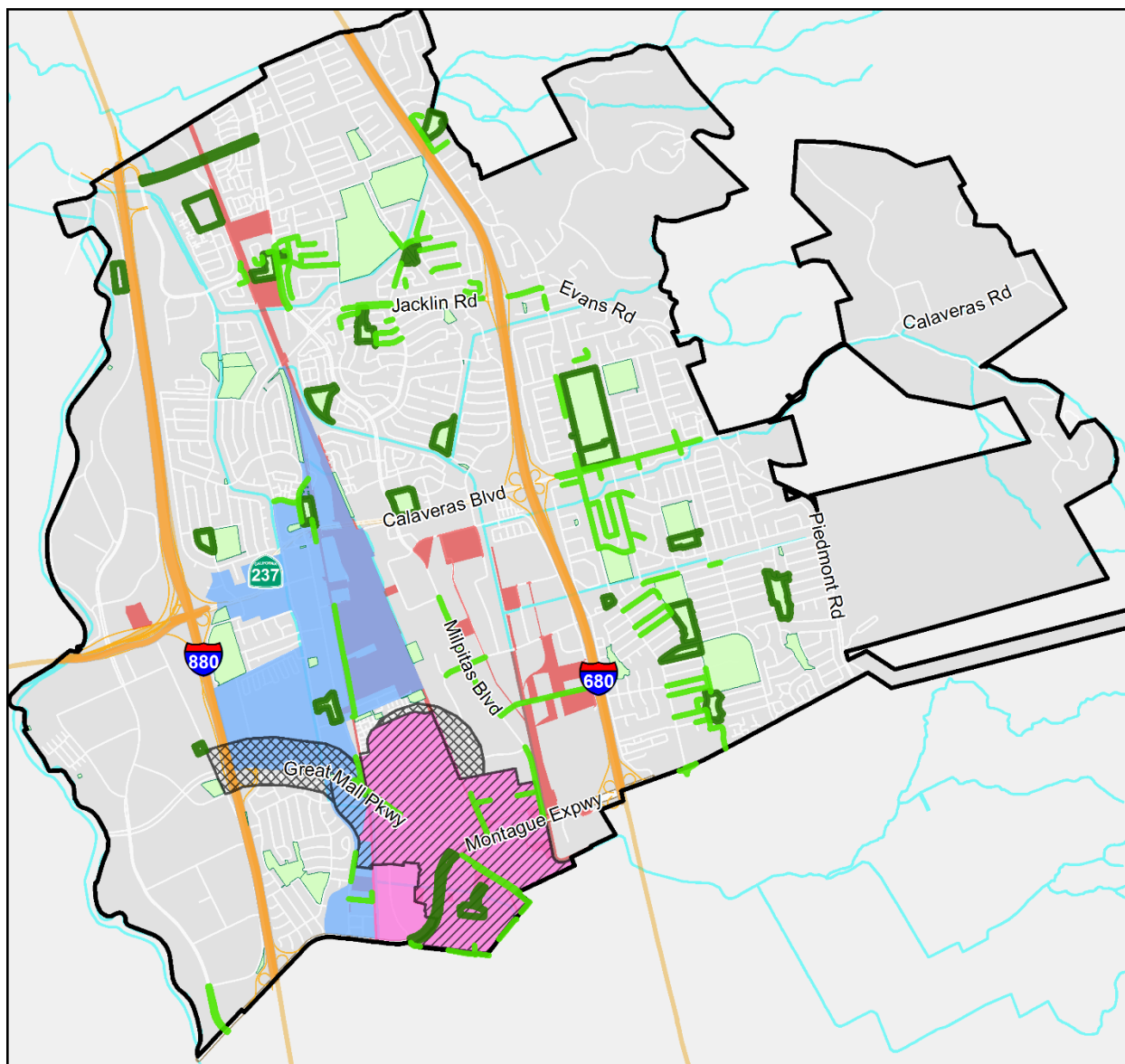
Figure 5-5 City of Milpitas Old Industrial Areas (Source: SCVURPPP)

5.3 Prioritization Results

The map in Figure 5-6 shows a compilation of the factors involved in prioritizing the City's opportunities for GSI projects. The City-owned parcel-based and top 10 percent of green street project opportunities identified by the SWRP prioritization are overlaid here with the City's prioritization factors including CIP projects with potential for GSI, specific plan areas, PDAs, and old industrial areas.

CIP projects in areas associated with a project opportunity identified in the SWRP can qualify for State bonded-funded stormwater capture project implementation grants (e.g., Proposition 1) because they are associated with a prioritized parcel in the SWRP.

An implementation plan is described in Chapter 6 to guide the development and implementation of GSI projects.



City of Milpitas - GSI Overview

- Street Segments with GSI Opportunities
- Public Parcels with GSI Opportunities
- CIP Projects with Potential for GSI

Priority Development Areas

- Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas (Potential)
- Transit Area (Planned)

 Old Industrial Areas

Specific Plans

- Midtown Specific Plan
- Transit Area Specific Plan

 City Boundary

 Roads

~ Creeks

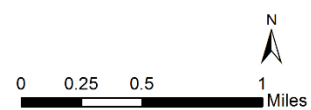


Figure 5-6 City of Milpitas GSI Overview

6. GSI IMPLEMENTATION PLAN

This chapter provides an overall strategy and steps for implementing GSI within the City of Milpitas over the long term. The implementation plan has the following main components: (1) the Citywide GSI strategy; (2) a process for identifying and evaluating GSI opportunities, (3) a workplan to complete Early Implementation Projects, (4) the legal and funding mechanisms that enable implementation, (5) estimated targets for the amounts of impervious surface to be “retrofitted” (i.e., redeveloped with GSI facilities to treat runoff from impervious surfaces), and (6) the technical tools that ensure the tracking of implemented projects.

6.1 Citywide GSI Strategy

The City of Milpitas’s approach to GSI planning will be consistent with the City’s objectives for sustainable, environmentally sensitive development to accommodate the City’s growth, as outlined in the most recent updates to the General Plan. As discussed in Chapter 5, identification of potential GSI projects will be based on the following priorities:

- Specific Plan Areas – As development occurs in the Specific Plan areas, the City will ensure that opportunities for implementing GSI are explored and identified.
- Coordination with Private Development – The City will explore working with private property developers to install GSI facilities in public rights-of-way near the properties they are developing, such as street frontages.
- Evaluation of Opportunities Identified in the Stormwater Resource Plan – The public parcels and street segments identified in the SWRP are opportunity areas for GSI projects. The City will use the SWRP list to help identify potential project locations for GSI implementation.
- Redevelopment in Old Industrial Areas—GSI installations are designed to remove pollutants from stormwater runoff, and they can be especially effective in treating runoff from old industrial areas that may generate more pollutants than other land uses. The City’s GSI planning process will explore installing GSI facilities in industrial areas as they are redeveloped.
- Evaluation of CIP projects for opportunities – The City will continue to review its CIP list annually for opportunities to incorporate GSI into CIP projects and evaluate the feasibility of such projects. The City has established a process for CIP review to avoid missing GSI opportunities (see Section 6.2).
- Evaluation of non-CIP project opportunities - As awareness of GSI increases, municipal staff or local community members may also identify and recommend GSI projects opportunities. These projects will be considered using the methodology described in Section 6.2.
- Coordination with BART, VTA, and Caltrans – The City will coordinate with BART, VTA, and Caltrans on local projects to identify GSI opportunities.

The City will also continue to require future development projects to comply with C.3 requirements of the MRP and include site design, source control, treatment control, and hydromodification management measures as applicable.

6.2 Process for Identifying and Evaluating Potential GSI Projects

The City will use the various mechanisms described in its strategy (Section 6.1) to identify GSI opportunities in public projects. The City's Engineering Department will be responsible for identifying GSI opportunities.

The City will use the guidance developed by BASMAA¹⁰ (See Appendix C) and the SWRP prioritization criteria to evaluate public projects to determine the potential for the inclusion of GSI measures at the project planning level. The evaluation may include site reconnaissance, drainage area delineation, and cost analysis. If not already on the CIP list, projects identified through this process will be added to the CIP list when it is updated. Projects with a GSI component may be included in the CIP as funded or unfunded projects. An unfunded project's inclusion in the CIP demonstrates that it is a City priority pending adequate funding. The City prepares the CIP Budget annually. The next annual CIP Budget will be prepared in 2020 covering FY 2020-25.

The City will map all potential GSI project opportunities to determine their proximity to green street or parcel-based project opportunities identified in the SWRP (Section 5.2.1). Potential GSI projects that are adjacent to SWRP opportunity areas may be eligible for state bond funding. Projects with opportunities for GSI measures may be submitted to the SWRP during the SWRP update process if they are not already included in the SWRP. This will allow those projects to be eligible for future state bond funding. The SWRP will likely be updated in the 2022-2023 timeframe. At this time, SCVURPPP will reach out to all member agencies to provide their project lists for prioritization and inclusion in the updated SWRP.

6.3 Work Plan for Completing Early Implementation Projects

Provision C.3.j.i.(j) requires that the City includes in its GSI Plan a workplan to complete GSI projects that are planned for implementation during the permit term (i.e., by December 2020). These include projects identified as part of a Provision C.3.e Alternative Compliance program or part of Provision C.3.j Early Implementation. The City has not identified any Early Implementation Projects to date.

The City will continue to review its CIP list annually, using the SWRP prioritization, as well as the guidance developed by BASMAA for identifying opportunities to incorporate GSI into CIP projects.

6.4 Legal Mechanisms

Provision C.3.j.i.(3) of the MRP requires permittees to "Adopt policies, ordinances, and/or other appropriate legal mechanisms to ensure implementation of the Green Infrastructure Plan in accordance with the requirements of this provision."

As described in Section 1.3.2, the City of Milpitas and other municipalities subject to Provision C.3 of the MRP must require post-construction stormwater control measures on regulated development projects. Post-construction stormwater controls reduce pollutants from flowing to streams, creeks, and the Bay and reduce the risk of flooding by managing peak flows. Chapter 16 (Stormwater and Urban Runoff Pollution Control) of the City's Municipal Code provides broad legal authority for the City to require regulated private development projects to comply with MRP requirements.

¹⁰ BASMAA Development Committee (2016) Guidance for Identifying Green Infrastructure Potential in Municipal Capital Improvement Program Projects. May.

GSI projects are typically not regulated projects (although they must conform to the sizing and design requirements contained in Provision C.3, except under certain circumstances) and they are primarily public projects under control of the City. As part of the GSI Plan process, the City reviewed its existing policies, ordinances, and other legal mechanisms related to the implementation of stormwater NPDES permit requirements and found that it has sufficient legal authority to implement the GSI Plan. Adoption of the GSI Plan by the City’s Council will further strengthen this authority.

6.5 Evaluation of Funding Options

Implementation of GSI projects is contingent upon the City identifying funding sources for GSI planning, design, construction, and maintenance.

The total cost of GSI includes costs for planning, capital (design, engineering, construction) and ongoing expenditures, including operations and maintenance (O&M), utility relocation, and feature replacement. It is likely that no single source of revenue will be adequate to fund implementation of GSI, and a portfolio of funding sources will be needed. There are a variety of approaches available to help fund up-front and long-term investments. This section discusses the City’s current stormwater management funding sources and then describes additional funding strategies available to implement GSI that are being considered by the City for future funding.

Current Funding Sources for GSI Program Elements

The City of Milpitas currently uses a combination of federal and state grants and local revenues to fund construction of projects in its capital improvement program (CIP) and other projects.

Potential Future Funding Options

As required by the MRP, the City analyzed possible funding options to raise additional revenue for design, construction, and long-term operation and maintenance (O&M) of GSI projects. The City used the guidance on stormwater funding options developed by SCVURPPP (2018) as a reference for conducting its analysis. Table 6-1 summarizes the funding options that will be considered by the City as the Plan is implemented. For each type of funding mechanism, the table provides a brief overview and specifics related to GSI, pros and cons, and applicability to funding planning, capital, and/or long-term O&M costs.

Table 6-1 Potential GSI Funding Options

Section/Overview	GSI Specifics	Pros	Cons	Type of Funding
Development Impact Fees: Fees paid by an applicant seeking approval of a development project.	Could potentially be used to fund retrofits of adjacent public right-of-way areas with GSI as part of development or redevelopment projects.	Cost for retrofitting streets can be leveraged through development activities.	If a fee is found to not relate to the impact created by the development project, or to exceed the reasonable cost of providing the public service, then the fee may be declared a “special tax” subject to approval by a two-thirds majority of voters.	<ul style="list-style-type: none"> • Planning • Capital
Grants: One time funds that require an application from a funding agency.	Could be used to plan, design and/or build GSI.	Can fund programs or systems that would otherwise take up significant general fund revenues.	<ul style="list-style-type: none"> • Usually a one-time source of funding only. • May need to create new programs and systems for each grant. • Usually have strings attached for matching funds and other requirements. • Little control over timing of applications and payment can lead to difficulties in coordination with other programs and grants. • Can be very competitive and resource intensive to apply. • No guarantee of success. • Post-project O&M costs must be borne by the agency. 	<ul style="list-style-type: none"> • Planning • Capital

Section/Overview	GSI Specifics	Pros	Cons	Type of Funding
Benefit Assessment and Community Facility Districts - Levy benefit assessments on property owners to pay for public improvements and services that specifically benefit their properties	Typically used to build and/or maintain facilities such as GSI improvements and/or services.	Can be used to fund maintenance and operations.	Requires property owners and/or businesses to agree that the need is present and that they should be (at least partially) responsible for funding it.	<ul style="list-style-type: none"> • Capital • O&M
Business Improvement Districts - A mechanism in which businesses and property owners tax themselves and manage the funds to build or maintain certain assets.	Businesses and property owners tax themselves and manage the funds to build or maintain GSI assets.	Can provide sense of ownership and pride in the neighborhood when results are visible.	Can burden businesses, property owners and others to the extent that they are unwilling to approve other funding measures.	<ul style="list-style-type: none"> • Planning • Capital • O&M
Infrastructure Financing Districts - IFDs have emerged as a potential replacement for Redevelopment Agencies which were eliminated in 2012.	Captures increase in ad valorem tax increases (similar to redevelopment agencies) for infrastructure improvements such as GSI	Can be jointly done with multiple cities.	Cannot capture any of the local school district's portion of tax increment.	<ul style="list-style-type: none"> • Planning • Capital • O&M
Motor Vehicle License Fees: Fees on each motor vehicle that is registered.	Could be used to plan, design and/or build GSI.	Can be flexible in purpose and can supply a long-term stable revenue source.	<ul style="list-style-type: none"> • If the total number of new annual motor vehicle registrations decline over time (as may happen with car-sharing, transit increases, biking and walking and the rollout of automated vehicles) revenues will decline. • Difficult to achieve the 2/3 majority needed to pass due to Prop 26. • Only for activities that are deemed to help mitigate impacts from motor vehicles. 	<ul style="list-style-type: none"> • Planning • Capital

Section/Overview	GSI Specifics	Pros	Cons	Type of Funding
Realignment of Municipal Services: Shifting costs to programs where revenue can be increased such as sewer, water and trash.	Could be used to plan, design, build and/or maintain GSI where there is a nexus between the two programs.	A means of leveraging existing or new resources funded by non-balloted fee structures.	<ul style="list-style-type: none"> • Bureaucratic issues can be difficult to overcome. • Sewer, trash and water may be controlled by different agencies that may not be able to coordinate or share resources. • There may be political restrictions to significant increases in rates. 	<ul style="list-style-type: none"> • Planning • Capital • O&M
Integration with Transportation Projects: Leveraging transportation funding to cost-effectively include stormwater quality elements.	Installation and maintenance of GSI facilities as part of integrated roadway programs.	<ul style="list-style-type: none"> • Roadway projects have more funding than stormwater programs and are generally more popular with the public. • Complete and green streets may be more popular with the public than traditional car-focused streets. • Green streets may be less expensive than traditional streets based on a life cycle cost analysis. 	<ul style="list-style-type: none"> • Roadways have been designed in certain ways with expectations of costs and purposes for decades. • Many roadways are in poor condition and there is not enough funding to fix them all. • GSI is perceived as an “added” cost which, could reduce the number of roadways that can be maintained. • Transportation funding is often restricted to certain roadway construction elements. 	<ul style="list-style-type: none"> • Planning • Capital

Section/Overview	GSI Specifics	Pros	Cons	Type of Funding
Alternative Compliance: Allowing developers the flexibility to build, or fund through payment of an in-lieu fee, off-site stormwater treatment systems for regulated projects or set up credit trading programs.	Leveraging development activities to build and maintain GSI systems. In lieu fees can be used by developers who would rather make a lump sum payment and quickly complete their compliance requirements. Credit trading programs can incentivize non-regulated properties to retrofit impervious surfaces.	<ul style="list-style-type: none"> • Gives flexibility to site GI systems in locations that optimize pollutant loading reduction and other benefits to the community. • Allows for off-site stormwater treatment when stormwater management requirements can't be met within a regulated project site. • An in-lieu fee and/or credit trading system can be used to achieve additional retrofits and installation of GSI. 	<ul style="list-style-type: none"> • Can be difficult to come up with viable alternative locations for GSI installations. • Can be difficult to quantify how much a developer should pay upfront for long-term maintenance costs that the municipality will bear. • May require agencies to modify the stormwater sections of their municipal codes to allow for the creation and/or use of the desired options/programs. 	<ul style="list-style-type: none"> • Planning • Capital • O&M
Existing Permittee Resources: Utilization of general funds for GSI.	Could be used to plan, design, build and/or maintain GSI.	Voter approval or new revenue sources not required.	<ul style="list-style-type: none"> • GSI must compete with many other municipal priorities and essential services. • Normally not a viable option for substantial GI implementation. 	<ul style="list-style-type: none"> • Planning • Capital • O&M

Section/Overview	GSI Specifics	Pros	Cons	Type of Funding
Public-Private Partnerships (P3s): Agreements or contracts between a municipality and a private company to perform specific tasks.	Can provide for the design, construction and maintenance of GSI systems over a long period.	<ul style="list-style-type: none"> • Leverages public funds while minimizing impacts to a municipality's debt capacity. • Access to advanced technologies. • Improved asset management. • Draws on private sector expertise and financing. • Benefits local economic development and "green jobs." • Relieves pressure on internal local government resources. 	<ul style="list-style-type: none"> • Stormwater fee or other source of stable revenue over the life of the P3 contract is required. • Contracts out to the private sector the construction and maintenance of GSI systems, possibly removing some municipal control. 	<ul style="list-style-type: none"> • Planning • Capital • O&M
Agency Collaboration: Collaboration between multiple agencies on certain regional stormwater capture and treatment projects that span one or more jurisdictional boundaries.	Could be used to plan, design, build and/or maintain GSI.	<ul style="list-style-type: none"> • Large regional projects are more cost effective than smaller projects. 	<ul style="list-style-type: none"> • Developing mechanisms for sharing the planning, capital and O&M costs of regional projects among agencies is challenging. 	<ul style="list-style-type: none"> • Planning • Capital • O&M

6.6 Impervious Area Targets

As mentioned in Section 1.3.2, the focus of the GSI Plan is the integration of GSI systems into public rights-of-way. However, other provisions of the MRP (C.11 and C.12) establish a linkage between public and private GSI features and required reductions of pollutants in stormwater discharges. To help estimate the pollutant load reductions that can be achieved by GSI during the 2020, 2030, and 2040 timeframes, the MRP requires that Permittees include in their GSI Plans estimated targets for the amounts of impervious surface to be “retrofitted” (i.e. redeveloped with GSI facilities to treat runoff from impervious surfaces) as part of public and private projects during the same timeframes.

The City worked with SCVURPPP staff to develop a methodology to predict the extent and location of privately- and publicly-owned land areas that will be redeveloped in their jurisdictions and whose stormwater runoff will be addressed via GSI facilities, and to derive impervious surface targets for GSI retrofits associated with these redevelopment projects. The methodology and results are described in Sections 6.6.1 and 6.6.2 below.

6.6.1 Methodology

The first step in the process used historic development trends, and City staff’s knowledge of planned/projected redevelopment in the City to estimate the acres of redevelopment that will occur in the City by 2020, 2030, and 2040 via redevelopment of privately- and publicly-owned parcels that would trigger C.3 requirements under the current MRP (i.e. C.3 regulated projects). Stormwater runoff associated with these parcels will be addressed via GSI facilities, as required by the permit.

The second step was to estimate the acres of impervious surface associated with future redevelopment of these privately and publicly-owned parcels. To do this, it was necessary to predict the likely locations and types of land areas that are anticipated to be addressed by GSI in the future. Growth patterns and time horizons for development, along with algorithms to identify which parcels were likely to redevelop, resulted in preliminary estimates of the extent of land area that is predicted to be addressed by GSI facilities in the City of Milpitas by 2020, 2030, and 2040. Using the current land uses of the predicted locations of GSI implementation and associated impervious surface coefficients for each land use type, estimates of the amount of impervious surface that would be retrofitted with GSI on privately and publicly-owned parcels were developed.

The methodology focused on parcel-based redevelopment as the location and timing of projects in the public right-of-way is uncertain and the contribution to overall impervious surface treated by GSI expected to be minor relative to the acreage treated by C.3 projects.

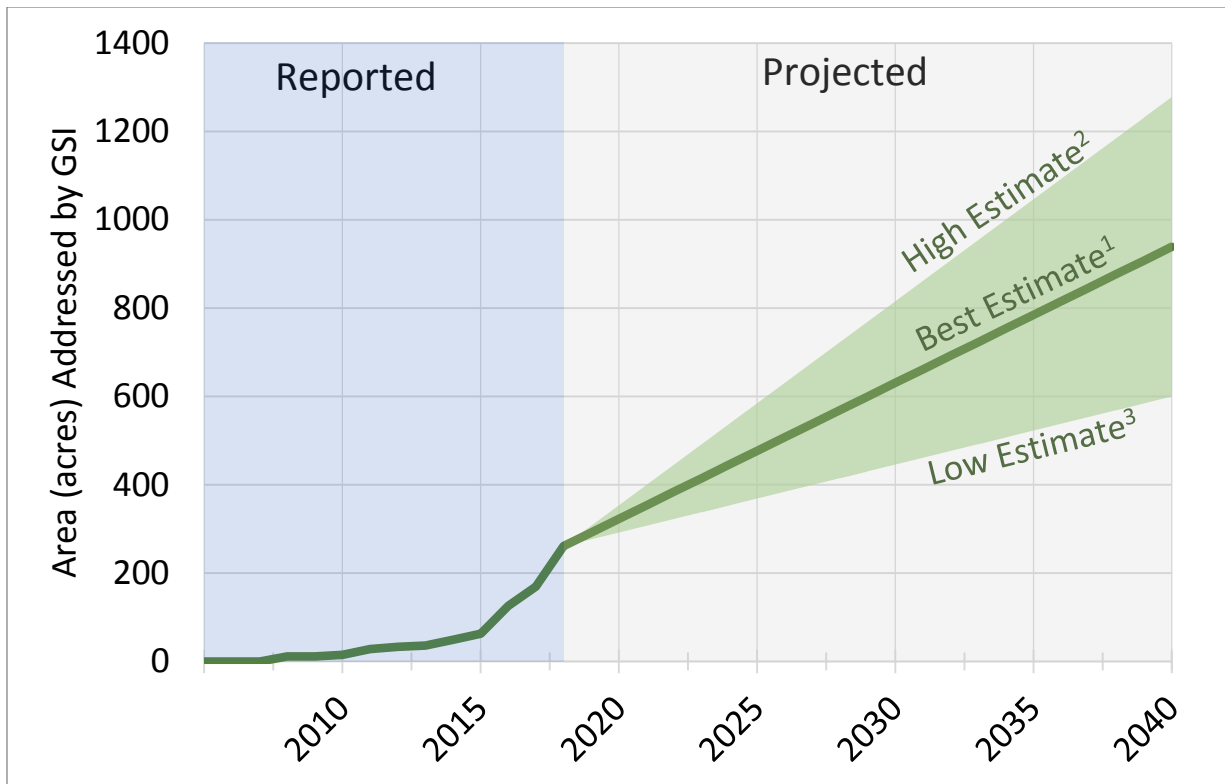
6.6.2 Results

Using the methodology described above, a predicted redevelopment rate of 30.8 acres per year was calculated for the City of Milpitas for the 2020-2030 timeframe. The redevelopment of Specific Plan areas like Transit Area Specific Plan, Midtown Specific Plan and California Circle sub-district is expected to occur within this timeframe. “Best” estimates of the magnitude of land areas that is predicted to be addressed by future GSI facilities were then calculated using the rate. “High” (i.e., 50% > “best”) and “Low” (i.e., 50% < “best”) estimates of future GSI implementation were also calculated to provide a range of potential redevelopment levels and account for uncertainty in the “Best” estimate. Figure 6-1 and Table 6-2 provide the outputs of the analysis and represent the total acres addressed by parcel-based GSI as of December 31, 2018 (261 acres), and the best estimate of the cumulative land area in

2020 (323 acres), 2030 (631 acres), and 2040 (939 acres) that will be addressed by GSI on private and public parcels in the City of Milpitas.

6.6.3 Impervious Surface Retrofit Targets

Table 6-3 lists the impervious surface percentage for each land use class, based on impervious surface coefficients typically utilized, and the estimated impervious surfaces for private and public parcel-based projects that are predicted to be retrofitted by 2020 (177 acres), 2030 (434 acres) and 2040 (709 acres) in the City of Milpitas via GSI implementation. Note that these predictions do not include impervious surface that may be addressed by projects in the public right-of-way, and that these predictions have a high level of uncertainty because future redevelopment rates may increase or decrease relative to the historic development trends that the rate for Milpitas was based on. Therefore, actual impervious surface addressed by GSI by the various milestones may increase or decrease relative to what is presented in Table 6-3.



¹High estimate – projected from 150% of “Best Estimate”; ²Best estimate – rate of redevelopment based on 10-year average (2009-2018); and ³Low estimate – projected from 50% of “Best Estimate”.

Figure 6-1 Existing and projected cumulative land area (acres) anticipated to be addressed via Green Stormwater Infrastructure facilities installed via private redevelopment in the City of Milpitas by 2020, 2030, and 2040

Table 6-2 Projected cumulative land area (acres) anticipated to be addressed via Green Stormwater Infrastructure facilities via private redevelopment in the City of Milpitas by 2020, 2030, and 2040

Year	Low ¹	Best ²	High ³
Existing GSI ⁴	-	261	-
2020	292	323	353
2030	446	631	815
2040	600	939	1,277

¹Low estimate – projected from 50% of “Best Estimate”; ²Best estimate – rate of redevelopment based on 10-year average (2009-2018); and ³High estimate – projected from 150% of “Best Estimate”; ⁴Total area addressed by parcel-based redevelopment projects with GSI completed as of 2018 (excludes non-jurisdictional and green street and regional projects).

Table 6-3 Actual (2002-2018) and predicted (2019-2040) extent of impervious surface retrofits via GSI implementation on private and public parcels in the City of Milpitas by 2020, 2030, and 2040.

Previous Land Use	% of Area Impervious ^a	Retrofits via GSI Implementation									
		2002-18		2019-20		2021-30		2031-40		Total (2002-40)	
		Total Area (acres)	Impervious Area (acres)	Total Area (acres) ^c	Impervious Area (acres)	Total Area (acres)	Impervious Area (acres)	Total Area (acres)	Impervious Area (acres)	Total Area (acres)	Impervious Area (acres)
Commercial	83%	66	55	19	16	144	120	67	56	297	246
Industrial	91%	61	56	32	29	144	131	224	204	461	420
Residential - High Density	82%	17	14	0	0	1	1	0	0	18	15
Residential - Low Density	47%	5	2	0	0	0	0	0	0	6	3
Retail	96%	4	4	0	0	5	5	16	15	25	24
Urban Parks	20%	0	0	0	0	0	0	0	0	0	0
Open Space ^b	1%	106	1	1	0	23	0	1	0	132	1
Totals		261	132	52	45	318	257	308	275	939	709
Cumulative^d		261	132	313	177	631	434	939	709		

^a Source: Existing Land Use in 2005: Data for Bay Area Counties, Association of Bay Area Governments (ABAG), January 2006

^b Development totals from 2002-2018 may include new development of open space and vacant properties.

^c The total area for 2019-2020 is based on facilities that are currently under construction or planned to occur prior to 2020 and not the calculated redevelopment rate and may therefore deviate from the “Best” acres presented for 2020 in Table 6-2.

6.7 Project Tracking System

A required component of the GSI Plan is to develop a process for tracking and mapping completed public and private GSI projects and making the information available to the public. The City will continue to implement existing internal tracking procedures for processing public and private projects with GSI, meeting MRP reporting requirements, and managing inspections of stormwater treatment facilities. In addition, the City will provide data to SCVURPPP for countywide tracking of completed public and private GSI projects. This countywide tracking tool can be used to document a project's pollutant reduction performance as well as overall total progress toward city or county-level stormwater goals.

6.7.1 City Project Tracking System (Regulated and GSI)

The City currently utilizes an internal tracking spreadsheet to manage information about installed stormwater treatment measures (including GSI), operation and maintenance (O&M) of public facilities, O&M verification program inspections, and enforcement actions.

6.7.2 SCVURPPP Project Tracking System

SCVURPPP has developed a centralized, web-based data management system (GSI Database) with a connection to GIS platforms, for tracking and mapping all GSI projects in the Santa Clara Valley. The GSI Database provides a centralized, accessible platform for municipal staff to efficiently and securely upload and store GSI project data, and enhances SCVURPPP's ability to efficiently and accurately calculate and report a variety of performance metrics associated with GSI projects. It also allows portions of the GSI project information to be made publicly available.

City staff will collect and manage information on GSI projects locally using the data management systems described above. City staff will either directly enter project data into the SCVURPPP GSI Database through a web-based data entry portal for individual projects or upload data for multiple projects in batch on an annual basis, using standardized formats.

Appendix A

Prioritization Metrics for Scoring GSI Project Opportunities

Table A-1. Prioritization Metrics for LID Project Opportunities

Metric	Points						Weighting Factor
	0	1	2	3	4	5	
Parcel Land Use			Schools/ Golf Courses	Park / Open Space	Public Buildings	Parking Lots	
Impervious Area (%)	$X < 40$	$40 \leq X < 50$	$50 \leq X < 60$	$60 \leq X < 70$	$70 \leq X < 80$	$80 \leq X < 100$	2
Hydrologic Soil Group		C/D		B		A	
Slope (%)		$10 > X > 5$	$5 \geq X > 3$	$3 \geq X > 2$	$2 \geq X > 1$	$1 \geq X$	
Within flood-prone storm drain catchments	No					Yes	
Contains PCB Interest Areas	None			Moderate		High	2
Within Priority Development Area	No					Yes	
Co-located with another agency project	No					Yes	
Augments water supply	No	Opportunity for capture and use				Above groundwater recharge area and not above groundwater contamination area	2
Water quality source control	No	Yes					
Reestablishes natural hydrology	No	Yes					
Creates or enhances habitat	No	Yes					
Community enhancement	No	Opportunities for other enhancements				Within DAC or MTC Community of Concern	

Table A-2. Prioritization Metrics for Regional Stormwater Capture Project Opportunities

Metric	Points						Weighting Factor
	0	1	2	3	4	5	
Parcel Land Use			Schools/Golf Courses	Public Buildings	Parking Lot	Park / Open Space	
Impervious Area (%)	$X < 40$	$40 \leq X < 50$	$50 \leq X < 60$	$60 \leq X < 70$	$70 \leq X < 80$	$80 \leq X < 100$	2
Parcel Size (acres)	$0.25 \leq X < 0.5$	$0.5 \leq X < 1$	$1 \leq X < 2$	$2 \leq X < 3$	$3 \leq X < 4$	$4 \leq X$	
Hydrologic Soil Group		C/D		B		A	
Slope (%)		$10 > X > 5$	$5 \geq X > 3$	$3 \geq X > 2$	$2 \geq X > 1$	$1 \geq X$	
Proximity to Storm Drain (feet)	$X > 1,000$	$1,000 \geq X > 500$		$500 \geq X > 200$		$200 \geq X$	
Within flood-prone storm drain catchments	No					Yes	
Contains PCB Interest Areas	None			Moderate		High	2
Within Priority Development Area	No					Yes	
Co-located with another agency project	No					Yes	
Augments water supply	No	Opportunity for capture and use				Above groundwater recharge area and not above groundwater contamination area	2
Water quality source control	No	Yes					
Reestablishes natural hydrology	No	Yes					
Creates or enhances habitat	No	Yes					
Community enhancement	No	Opportunities for other enhancements				Within DAC or MTC Community of Concern	

Table A-3. Prioritization Metrics for Green Street Project Opportunities

Metric	Points						Weighting Factor
	0	1	2	3	4	5	
Imperviousness (%)	$X < 40$	$40 \leq X < 50$	$50 \leq X < 60$	$60 \leq X < 70$	$70 \leq X < 80$	$80 \leq X < 100$	2
Hydrologic Soil Group		C/D		B		A	
Slope (%)		$5 > X > 4$	$4 \geq X > 3$	$3 \geq X > 2$	$2 \geq X > 1$	$1 \geq X > 0$	
Within flood-prone storm drain catchments	No					Yes	
Contains PCB Interest Areas	None			Moderate		High	2
Within Priority Development Area	No					Yes	
Co-located with another agency project	No					Yes	
Augments water supply	No	Opportunity for capture and use				Above groundwater recharge area and not above groundwater contamination area	2
Water quality source control	No	Yes					
Reestablishes natural hydrology	No	Yes					
Creates or enhances habitat	No	Yes					
Community enhancement	No	Opportunities for other enhancements				Within DAC or MTC Community of Concern	

Appendix B

City of Milpitas Street Segments and Parcels with Opportunities for GSI

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Land Use	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
2202047	City of Milpitas	Public Buildings		4	10	1	4	0	10	0	0	10	1	1	0	5	46
2824044	City of Milpitas	Public Buildings	Midtown SP	4	10	1	5	0	10	0	0	2	1	1	0	1	35
2834089	City of Milpitas	Public Buildings	Midtown SP	4	10	1	5	0	10	0	0	2	1	1	0	1	35
2613033	City of Milpitas	Public Buildings		4	8	1	4	0	0	0	5	10	1	1	0	1	35
2824039	City of Milpitas	Public Buildings	Midtown SP	4	10	1	5	0	10	0	0	2	1	1	0	1	35
2834055	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834021	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834058	City of Milpitas	Public Buildings	Midtown SP	4	10	1	4	0	10	0	0	2	1	1	0	1	34
2834052	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834028	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834029	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834068	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	5	0	10	0	0	2	1	1	0	1	34
2834016	City of Milpitas	Public Buildings	Midtown SP	4	10	1	3	0	10	0	0	2	1	1	0	1	33
8649050	City of Milpitas	Park/Open Space		4	8	1	4	0	10	0	0	2	1	1	0	1	32
8642023	City of Milpitas	Public Buildings		4	8	1	4	0	10	0	0	2	1	1	0	1	32
2834047	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834062	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834002	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834075	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834010	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834041	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	3	0	10	0	0	2	1	1	0	1	32
2834018	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	2	0	10	0	0	2	1	1	0	1	31
2834004	City of Milpitas	Park/Open Space	Midtown SP	3	10	1	2	0	10	0	0	2	1	1	0	1	31
8652015	City of Milpitas	Park/Open Space		4	6	1	4	0	10	0	0	2	1	1	0	1	30
2834035	City of Milpitas	Park/Open Space	Midtown SP	3	8	1	3	0	10	0	0	2	1	1	0	1	30
8802026	City of Milpitas	Park/Open Space		4	6	1	4	0	0	0	5	2	1	1	0	5	29
2823015	City of Milpitas	Park/Open Space		4	8	1	1	0	10	0	0	2	1	1	0	1	29
2243100	City of Milpitas	Public Buildings		4	4	1	4	0	10	0	0	2	1	1	0	1	28
2618003	Milpitas School District	Schools		2	4	1	3	0	0	0	5	10	1	1	0	1	28
8823019	City of Milpitas	Park/Open Space		4	0	1	4	0	0	0	5	10	1	1	0	1	27
2816067	City of Milpitas	Park/Open Space		4	0	1	4	0	0	0	5	10	1	1	0	1	27

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Land Use	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
2619088	City of Milpitas	Park/Open Space		4	2	1	2	0	0	0	5	10	1	1	0	1	27
8812054	Milpitas School District	Schools		2	4	1	3	0	0	0	0	10	1	1	0	5	27
8602049	City of Milpitas	Public Buildings		4	8	5	4	0	0	0	0	2	1	1	0	1	26
8829061	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	5	10	1	1	0	1	26
2909050	City of Milpitas	Public Buildings		4	4	1	4	0	0	0	0	10	1	1	0	1	26
2917010	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	5	10	1	1	0	1	26
8806001	Milpitas School District	Schools		2	2	1	4	0	0	0	0	10	1	1	0	5	26
2917002	Milpitas School District	Schools		2	6	1	4	0	0	0	0	10	1	1	0	1	26
8602086	City of Milpitas	Park/Open Space		4	6	1	4	0	0	5	0	2	1	1	0	1	25
8812053	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	0	10	1	1	0	5	25
2949001	City of Milpitas	Park/Open Space		4	0	1	2	0	0	0	5	10	1	1	0	1	25
2621004	City of Milpitas	Park/Open Space		4	0	1	2	0	0	0	5	10	1	1	0	1	25
2231029	City of Milpitas	Park/Open Space	Midtown SP	4	4	1	1	0	10	0	0	2	1	1	0	1	25
8612010	City of Milpitas	Public Buildings	Midtown SP	4	6	1	3	0	0	5	0	2	1	1	0	1	24
8803051	City of Milpitas	Public Buildings		4	6	1	4	0	0	0	0	2	1	1	0	5	24
2610028	City of Milpitas	Park/Open Space		4	4	1	2	0	0	0	0	10	1	1	0	1	24
8824005	Milpitas School District	Schools		2	0	1	3	0	0	0	5	10	1	1	0	1	24
8807061	Milpitas School District	Schools		2	0	1	3	0	0	0	5	10	1	1	0	1	24
8606012	Milpitas School	Schools	Midtown SP	2	8	5	4	0	0	0	0	2	1	1	0	1	24
8636023	City of Milpitas	Public Buildings	TASP	4	4	1	4	0	0	5	0	2	1	1	0	1	23
2208003	City of Milpitas	Public Buildings	Midtown SP	4	8	1	4	0	0	0	0	2	1	1	0	1	22
2804002	City of Milpitas	Park/Open Space		4	2	1	2	0	0	0	0	10	1	1	0	1	22
8606011	Milpitas School	Schools		2	10	1	4	0	0	0	0	2	1	1	0	1	22
8601023	City of Milpitas	Public Buildings		4	0	5	2	5	0	0	0	2	1	1	0	1	21
8611008	City of Milpitas	Public Buildings	Midtown SP	4	6	1	5	0	0	0	0	2	1	1	0	1	21
8820130	City of Milpitas	Public Buildings		4	2	1	1	0	0	0	0	10	1	1	0	1	21

City of Milpitas
Potential Parcel-based GSI Opportunities

Project Characteristics				Project Scoring													
APN	Owner	Land Use	Specific Plan Areas	Land Use Score	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	PDA Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Re-established Natural Habitat Score	Enhances Habitat Score	Community Score	TOTAL SCORE
2225046	City of Milpitas	Public Buildings		4	8	1	3	0	0	0	0	2	1	1	0	1	21
8822005	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	0	10	1	1	0	1	21
8838092	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	0	10	1	1	0	1	21
2806040	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	0	10	1	1	0	1	21
2812023	City of Milpitas	Public Buildings		4	8	1	3	0	0	0	0	2	1	1	0	1	21
2226001	Milpitas School District	Schools		2	4	1	4	0	0	0	5	2	1	1	0	1	21
2921022	Milpitas School District	Schools		2	2	1	3	0	0	0	0	10	1	1	0	1	21
2626001	Milpitas School District	Schools		2	2	1	3	0	0	0	0	10	1	1	0	1	21
8610025	City of Milpitas	Public Buildings	Midtown SP	4	6	1	4	0	0	0	0	2	1	1	0	1	20
8821065	City of Milpitas	Park/Open Space		4	0	1	2	0	0	0	0	10	1	1	0	1	20
2230035	City of Milpitas	Park/Open Space		4	2	5	4	0	0	0	0	2	1	1	0	1	20
2227001	City of Milpitas	Park/Open Space		4	0	1	4	0	0	0	5	2	1	1	0	1	19
2205079	City of Milpitas	Public Buildings		4	4	1	5	0	0	0	0	2	1	1	0	1	19
2213001	City of Milpitas	Park/Open Space		4	6	1	3	0	0	0	0	2	1	1	0	1	19
2811032	City of Milpitas	Park/Open Space		4	6	1	2	0	0	0	0	2	1	1	0	1	18
8618049	Milpitas School District	Schools		2	6	1	4	0	0	0	0	2	1	1	0	1	18
8603096	City of Milpitas	Park/Open Space		4	2	1	4	0	0	0	0	2	1	1	0	1	16
8651012	City of Milpitas	Park/Open Space		4	2	1	4	0	0	0	0	2	1	1	0	1	16
2224006	City of Milpitas	Public Buildings	Midtown SP	4	2	1	4	0	0	0	0	2	1	1	0	1	16
8604072	City of Milpitas	Park/Open Space		4	0	1	4	0	0	0	0	2	1	1	0	1	14
8604073	City of Milpitas	Park/Open Space		4	0	1	4	0	0	0	0	2	1	1	0	1	14
2811035	City of Milpitas	Park/Open Space		4	0	1	4	0	0	0	0	2	1	1	0	1	14
2203001	Milpitas School District	Schools		2	2	1	4	0	0	0	0	2	1	1	0	1	14
8832079	City of Milpitas	Park/Open Space		4	0	1	3	0	0	0	0	2	1	1	0	1	13
2820002	City of Milpitas	Park/Open Space		0	4	1	3	0	0	0	0	2	1	1	0	1	13
2203030	City of Milpitas	Park/Open Space		4	0	1	2	0	0	0	0	2	1	1	0	1	12

City of Milpitas
Potential Green Street Opportunities

Project Characteristics									Project Scoring												TOTAL SCORE
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	
Milpitas		MINNIS	CIR	50	51	1398	1399		10	1	4	0	0	0	5	10	1	1	1	5	38
Milpitas		TRADE ZONE	BLVD	601	2130	699	2150	TASP	8	1	5	0	10	5	5	0	1	1	1	1	38
Milpitas		GARDEN	ST	801	0	869	0	TASP	8	1	4	0	10	5	5	0	1	1	1	1	37
Milpitas	S	MILPITAS	BLVD	1424	1425	1558	1559	TASP	8	1	4	0	10	5	5	0	1	1	1	1	37
Milpitas	N	MILPITAS	BLVD	1301	0	1409	0		8	1	5	0	0	0	5	10	1	1	1	5	37
Milpitas		MINNIS	CIR	2	1	48	49		8	1	5	0	0	0	5	10	1	1	1	5	37
Milpitas		MINNIS	CIR	0	0	0	0		8	1	5	0	0	0	5	10	1	1	1	5	37
Milpitas	N	MILPITAS	ST	1081	0	1199	0		8	1	4	0	10	0	5	0	1	1	1	5	36
Milpitas	S	MILPITAS	BLVD	0	0	0	0	TASP	6	1	4	0	10	5	5	0	1	1	1	1	35
Milpitas	N	MILPITAS	BLVD	0	1300	0	1408		8	1	3	0	0	0	5	10	1	1	1	5	35
Milpitas		SB MILPITAS TO	RAMP	0	0	0	0	TASP	6	1	4	0	10	5	5	0	1	1	1	1	35
Milpitas	E	CAPITOL	AVE	0	500	0	748	TASP	10	1	4	0	10	5	0	0	1	1	1	1	34
Milpitas		GREAT MALL	PKWY	0	0	0	0	Midtown SP	10	1	4	0	10	5	0	0	1	1	1	1	34
Milpitas		JOURNEY	ST	0	0	0	0	TASP	10	1	4	0	10	5	0	0	1	1	1	1	34
Milpitas		MIDWICK	DR	1	2	49	48		6	1	4	0	0	0	5	10	1	1	1	5	34
Milpitas	N	MILPITAS	BLVD	0	1080	0	1198		8	1	2	0	10	0	5	0	1	1	1	5	34
Milpitas	N	MILPITAS	BLVD	0	1200	0	1298		6	1	4	0	0	0	5	10	1	1	1	5	34
Milpitas	S	MILPITAS	BLVD	0	0	0	0	TASP	10	1	4	0	10	5	0	0	1	1	1	1	34
Milpitas	N	MILPITAS	BLVD	1201	0	1299	0		6	1	4	0	0	0	5	10	1	1	1	5	34
Milpitas	S	MILPITAS	BLVD	1100	1101	1422	1423	TASP	6	1	3	0	10	5	5	0	1	1	1	1	34
Milpitas	S	PARK VICTORIA	DR	2	1	28	29		10	1	5	0	0	0	0	10	1	1	1	5	34
Milpitas		PARK VICTORIA	DR	0	0	0	0		10	1	5	0	0	0	0	10	1	1	1	5	34
Milpitas		PIPER	DR	0	0	0	0	TASP	10	1	4	0	10	5	0	0	1	1	1	1	34
Milpitas	E	CALAVERAS	BLVD	0	1300	0	1348		10	1	4	0	0	0	0	10	1	1	1	5	33
Milpitas	E	CALAVERAS	BLVD	1001	0	1299	0		10	1	4	0	0	0	0	10	1	1	1	5	33
Milpitas	E	CALAVERAS	BLVD	0	1100	0	1298		10	1	4	0	0	0	0	10	1	1	1	5	33
Milpitas	E	CALAVERAS	BLVD	1301	0	1349	0		10	1	4	0	0	0	0	10	1	1	1	5	33
Milpitas		CALAVERAS	CT	1	2	99	98		10	1	4	0	0	0	0	10	1	1	1	5	33
Milpitas		HAMILTON	AVE	0	0	0	0		8	1	5	0	0	0	5	10	1	1	1	1	33
Milpitas	S	MAIN	ST	1450	1451	1598	1599	Midtown SP	8	1	5	0	10	5	0	0	1	1	1	1	33
Milpitas	N	PARK VICTORIA	DR	1	2	49	48		10	1	4	0	0	0	0	10	1	1	1	5	33
Milpitas		PIPER	DR	0	0	0	0	TASP	8	1	5	0	10	5	0	0	1	1	1	1	33
Milpitas		AMES	AVE	701	700	1299	1298		8	1	4	0	10	0	5	0	1	1	1	1	32
Milpitas	E	CAPITOL	AVE	0	750	0	798	TASP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	E	CAPITOL	AVE	501	0	775	0	TASP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		GARDEN	ST	0	0	0	0	TASP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		GREAT MALL	PKWY	301	0	349	0	TASP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		GREAT MALL	PKWY	0	0	0	0	Midtown SP	8	1	4	0	10	5	0	0	1	1	1	1	32

City of Milpitas
Potential Green Street Opportunities

Project Characteristics									Project Scoring												TOTAL SCORE
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	
Milpitas	S	MAIN	ST	1200	1201	1238	1239	Midtown SP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	S	MAIN	ST	1240	1241	1278	1279	Midtown SP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		MIDWICK	DR	0	0	0	0		4	1	4	0	0	0	5	10	1	1	1	5	32
Milpitas	S	PARK VICTORIA	DR	30	31	138	139		8	1	5	0	0	0	0	10	1	1	1	5	32
Milpitas		PIPER	DR	1201	1200	1299	1298	TASP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas		TRADE ZONE	BLVD	0	0	0	0	TASP	8	1	4	0	10	5	0	0	1	1	1	1	32
Milpitas	E	CALAVERAS	BLVD	1351	1350	1399	1398		8	1	4	0	0	0	0	10	1	1	1	5	31
Milpitas		CLEAR LAKE	AVE	1401	1400	1549	1548		8	1	3	0	0	0	5	10	1	1	1	1	31
Milpitas		DEMPSEY	RD	2	1	58	59		8	1	4	0	0	0	0	10	1	1	1	5	31
Milpitas		EDSEL	DR	1251	1250	1299	1298		8	1	4	0	0	0	0	10	1	1	1	5	31
Milpitas		LUNDY	PL	2401	2400	2499	2498	TASP	6	1	5	0	10	5	0	0	1	1	1	1	31
Milpitas		PIPER	DR	1301	1300	1399	1398	TASP	8	1	3	0	10	5	0	0	1	1	1	1	31
Milpitas		BELBROOK	PL	1200	1201	1298	1299		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		CANTERBURY	PL	601	600	799	798		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		CLEAR LAKE	CT	1100	1101	1298	1299		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		ESCUELA	PKWY	1081	1080	1199	1198		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		GORDON	ST	1021	1020	1099	1098		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		HAMILTON	AVE	931	930	1099	1098		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		JACKLIN	RD	301	0	499	0		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		JACKLIN	RD	0	150	0	298		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		JACKLIN	RD	0	300	0	498		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas	S	MAIN	ST	1100	1101	1198	1199	Midtown SP	6	1	4	0	10	5	0	0	1	1	1	1	30
Milpitas		MARTIL	WAY	461	460	499	498		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		MC CARTHY	BLVD	0	1811	0	1999		6	1	4	0	10	0	5	0	1	1	1	1	30
Milpitas		MC CARTHY	BLVD	1810	0	1998	0		6	1	4	0	10	0	5	0	1	1	1	1	30
Milpitas		MC CARTHY	BLVD	0	0	0	0		10	1	5	0	0	5	5	0	1	1	1	1	30
Milpitas		MIHALAKIS	ST	1	2	99	100	Midtown SP	10	1	5	0	10	0	0	0	1	1	1	1	30
Milpitas	S	MILPITAS	BLVD	300	301	738	739		6	1	4	0	10	0	5	0	1	1	1	1	30
Milpitas		MORRILL	AVE	0	0	0	0		10	1	5	0	0	0	0	10	1	1	1	1	30
Milpitas		RUSSELL	LN	751	752	799	798		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		SB MAIN TO WB GREAT MALL	RAMP	0	0	0	0	Midtown SP	6	1	4	0	10	5	0	0	1	1	1	1	30
Milpitas	E	TRADE ZONE	BLVD	0	0	0	0	TASP	6	1	4	0	10	5	0	0	1	1	1	1	30
Milpitas		VIENNA	DR	61	60	99	98		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		VIENNA	DR	1	2	59	58		6	1	4	0	0	0	5	10	1	1	1	1	30
Milpitas		WINSOR	ST	1	2	199	198	Midtown SP	10	1	5	0	10	0	0	0	1	1	1	1	30
Milpitas		ACADIA	AVE	1295	1300	1499	1498		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BARON	PL	601	600	799	798		6	1	3	0	0	0	5	10	1	1	1	1	29

City of Milpitas
Potential Green Street Opportunities

Project Characteristics									Project Scoring												TOTAL SCORE
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	
Milpitas		BELBROOK	WAY	1101	1100	1219	1218		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BELBROOK	WAY	1221	1220	1299	1298		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BELBROOK	WAY	1301	1300	1399	1398		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		BIG BASIN	DR	1501	1500	1699	1698		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas	E	CALAVERAS	BLVD	1401	1400	1499	1498		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		CANTON	DR	1401	1400	1429	1428		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		CLEAR LAKE	AVE	1721	1722	1899	1898		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		CLEAR LAKE	AVE	1551	1550	1659	1658		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		EB LANDESS TO SB MORRILL	RAMP	0	0	0	0		10	1	4	0	0	0	0	10	1	1	1	1	29
Milpitas		EDSEL	DR	1301	1300	1399	1398		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas	S	GADSDEN	DR	2	1	58	59		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		LANDESS	AVE	1601	0	1649	0		10	1	4	0	0	0	0	10	1	1	1	1	29
Milpitas		LASSEN	AVE	1331	1330	1599	1598		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		LUNDY	PL	501	500	599	598	TASP	4	1	5	0	10	5	0	0	1	1	1	1	29
Milpitas	N	MAIN	ST	251	250	279	278	Midtown SP	10	1	4	0	10	0	0	0	1	1	1	1	29
Milpitas		MERCURY	CT	1401	1400	1499	1498		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		MILMONT	DR	0	0	0	0		6	1	4	0	10	0	0	0	1	1	1	5	29
Milpitas		MOUNT SHASTA	AVE	1407	1400	1599	1598		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		NB MORRILL TO EB OLYMPIC	RAMP	0	0	0	0		10	1	4	0	0	0	0	10	1	1	1	1	29
Milpitas		OLYMPIC	DR	1341	1340	1599	1598		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas	S	PARK VICTORIA	DR	140	141	348	349		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas	N	PARK VICTORIA	DR	421	420	449	448		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas	N	PARK VICTORIA	DR	1841	1840	1869	1868		6	1	3	0	0	0	5	10	1	1	1	1	29
Milpitas		RUSSELL	LN	0	0	0	0		4	1	5	0	0	0	5	10	1	1	1	1	29
Milpitas		SUMMERWIND	WAY	1211	1210	1299	1298		6	1	4	0	10	0	0	0	1	1	1	5	29
Milpitas	N	TEMPLE	DR	1	2	99	98		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		YOSEMITE	DR	701	700	759	758		6	1	3	0	10	0	5	0	1	1	1	1	29
Milpitas		YOSEMITE	DR	1421	1420	1579	1578		6	1	4	0	0	0	0	10	1	1	1	5	29
Milpitas		BALBOA	DR	100	101	148	149		6	1	3	0	10	0	0	0	1	1	1	5	28
Milpitas		BEAUMERE	WAY	101	100	299	298		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas	E	CALAVERAS	BLVD	1701	1700	1899	1898		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas	E	CALAVERAS	BLVD	1501	1500	1699	1698		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CAMPBELL	ST	0	0	0	0		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		CANTON	DR	1331	1330	1399	1398		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CANTON	DR	1201	1200	1279	1278		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	160	151	198	209		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	200	211	268	269		6	1	3	0	0	0	0	10	1	1	1	5	28

City of Milpitas
Potential Green Street Opportunities

Project Characteristics									Project Scoring												TOTAL SCORE
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	
Milpitas		CARNEGIE	DR	270	271	328	329		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CARNEGIE	DR	330	331	398	399		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		CLAUSER	DR	401	400	499	498		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		CLEAR LAKE	AVE	1701	1700	1719	1712		6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas		CLEAR LAKE	AVE	0	1714	0	1720		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		COLUMBUS	DR	1201	1200	1299	1298		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		CORINTHIA	DR	401	400	499	498		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		CURTIS	AVE	0	0	0	0	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		ESCUELA	PKWY	0	0	0	0		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		ESCUELA	PKWY	1231	0	1319	0		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		ESCUELA	PKWY	0	0	0	0		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		FONTAINBLEU	AVE	1201	1200	1259	1258		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		FONTAINBLEU	AVE	1301	1300	1399	1398		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		FONTAINBLEU	CT	101	100	199	198		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		HAMMOND	WAY	601	600	699	698	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		HAMMOND	WAY	601	600	699	698	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		HEFLIN	ST	701	700	899	898		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		JACKLIN	RD	1101	0	1199	0		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		JACKLIN	RD	1201	0	1299	0		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas		KIZER	ST	701	700	899	898		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		LA PALMA	PL	801	800	999	998		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas	N	MAIN	ST	101	100	199	198	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas	N	MAIN	ST	201	200	249	248	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		MC CARTHY	BLVD	0	0	0	0		8	1	5	0	0	5	5	0	1	1	1	1	28
Milpitas		MIDWICK	DR	51	50	89	88		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		MIDWICK	DR	91	90	299	298		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		MIHALAKIS	ST	0	0	0	0	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas	S	MILPITAS	BLVD	740	741	998	999		4	1	4	0	10	0	5	0	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	751	750	799	798		8	1	5	0	0	0	0	10	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	1801	1800	1839	1838		6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	261	260	419	418		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas	N	PARK VICTORIA	DR	1741	1740	1799	1798		6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas		PERRY	ST	100	101	298	299		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		PRADA	CT	1301	1300	1399	1398		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		RODRIGUES	AVE	100	101	298	299		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		RUSSELL	LN	701	700	749	750		4	1	4	0	0	0	5	10	1	1	1	1	28
Milpitas		SONOMA	DR	1401	1400	1599	1598		6	1	2	0	0	0	5	10	1	1	1	1	28
Milpitas	S	TEMPLE	DR	2	1	38	39		6	1	3	0	0	0	0	10	1	1	1	5	28

City of Milpitas
Potential Green Street Opportunities

Project Characteristics									Project Scoring												
Jurisdiction	Street Prefix	Street Name	Street Type	Address Start (Odd)	Address Start (Even)	Address End (Odd)	Address End (Even)	Specific Plan Areas	Impervious Score	Soil Group Score	Slope Score	Flood-prone Catchment Score	PCB Area Score	Priority Development Area Score	Co-located Project Score	Augments Water Supply Score	WQ Source Control Score	Reestablishes Natural Hydrology Score	Enhances Habitat Score	Community Enhancement Score	TOTAL SCORE
Milpitas		WELLER	LN	100	101	198	199	Midtown SP	8	1	5	0	10	0	0	0	1	1	1	1	28
Milpitas		YOSEMITE	DR	1731	1730	1779	1778		6	1	3	0	0	0	0	10	1	1	1	5	28
Milpitas		YOSEMITE	DR	501	500	699	698		4	1	4	0	10	0	5	0	1	1	1	1	28

Appendix C

Guidance for Identifying Green Infrastructure Potential in Municipal Capital Improvement Program Projects

BASMAA Development Committee
Guidance for Identifying Green Infrastructure Potential
in Municipal Capital Improvement Program Projects
May 6, 2016

Background

In the recently reissued [Municipal Regional Stormwater Permit](#) (“MRP 2.0”), Provision C.3.j. requires Permittees to develop and implement Green Infrastructure Plans to reduce the adverse water quality impacts of urbanization on receiving waters over the long term. Provisions C.11 and C.12 require the Permittees to reduce discharges of Mercury and PCBs, and portion of these load reductions must be achieved by implementing Green Infrastructure. Specifically, Permittees collectively must implement Green Infrastructure to reduce mercury loading by 48 grams/year and PCB loading by 120 grams/year by 2020, and plan for substantially larger reductions in the following decades. Green Infrastructure on both public and private land will help to meet these load reduction requirements, improve water quality, and provide multiple other benefits as well. Implementation on private land is achieved by implementing stormwater requirements for new development and redevelopment (Provision C.3.a. through Provision C.3.i.). These requirements were carried forward, largely unchanged, from MRP 1.0.

MRP 2.0 defines Green Infrastructure as:

Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water.

In practical terms, most green infrastructure will take the form of diverting runoff from existing streets, roofs, and parking lots to one of two stormwater management strategies:

1. Dispersal to vegetated areas, where sufficient landscaped area is available and slopes are not too steep.
2. LID (bioretention and infiltration) facilities, built according to criteria similar to those currently required for regulated private development and redevelopment projects under Provision C.3.

In some cases, the use of tree-box-type biofilters may be appropriate¹. In other cases, where conditions are appropriate, existing impervious pavements may be removed and replaced with pervious pavements.

In MRP 2.0, Provision C.3.j. includes requirements for Green Infrastructure planning and implementation. Provision C.3.j. has two main elements to be implemented by municipalities:

1. Preparation of a Green Infrastructure Plan for the inclusion of LID drainage design into storm drain infrastructure on public and private land, including streets, roads, storm drains, etc.
2. Early implementation of green infrastructure projects (“no missed opportunities”),

This guidance addresses the second of these requirements. The intent of the “no missed opportunities” requirement is to ensure that no major infrastructure project is built without assessing the opportunity for incorporation of green infrastructure features.

Provision C.3.j.ii. requires that each Permittee prepare and maintain a list of green infrastructure projects, public and private, that are already planned for implementation during the permit term (not including C.3-regulated projects), and infrastructure projects planned for

¹ Standard proprietary tree-box-type biofilters are considered to be non-LID treatment and will only be allowed under certain circumstances. Guidance on use and sizing of these facilities will be provided in a separate document.

implementation during the permit term that have potential for green infrastructure measures. The list must be submitted with each Annual Report, including:

“... a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practical during the permit term. For any public infrastructure project where implementation of green infrastructure measures is not practicable, submit a brief description for the project and the reasons green infrastructure measures were impracticable to implement”.

This requirement has no specified start date; “during the permit term” means beginning January 1, 2016 and before December 31, 2020. The first Annual Report submittal date will be September 30, 2016.

Note that this guidance primarily addresses the review of proposed or planned public projects for green infrastructure opportunities. The Permittee may also be aware of proposed or planned private projects, not subject to LID treatment requirements, that may have the opportunity to incorporate green infrastructure. These should be addressed in the same way as planned public projects, as described below.

Procedure for Review of Planned Public Projects and Annual Reporting

The municipality’s Capital Improvement Program (CIP) project list provides a good starting point for review of proposed public infrastructure projects. Review of other lists of public infrastructure projects, such as those proposed within separately funded special districts (e.g., lighting and landscape districts, maintenance districts, and community facilities districts), may also be appropriate. This section describes a two-part procedure for conducting the review.

Part 1 – Initial Screening

The first step in reviewing a CIP or other public project list is to screen out certain types of projects from further consideration. For example, some projects (e.g., interior remodels, traffic signal replacement) can be readily identified as having no green infrastructure potential. Other projects may appear on the list with only a title, and it may be too early to identify whether green infrastructure could be included. Still others have already progressed past the point where the design can reasonably be changed (this will vary from project to project, depending on available budget and schedule).

Some “projects” listed in a CIP may provide budget for multiple maintenance or minor construction projects throughout the jurisdiction or a portion of the jurisdiction, such as a tree planting program, curb and sidewalk repair/upgrade, or ADA curb/ramp compliance. It is recommended that these types of projects not be included in the review process described herein. The priority for incorporating green infrastructure into these types of projects needs to be assessed as part of the Permittees’ development of Green Infrastructure Plans, and standard details and specifications need to be developed and adopted. During this permit term, Permittees will evaluate select projects, project types, and/or groups of projects as case studies and develop an approach as part of Green Infrastructure planning.

The projects removed through the initial screening process do not need to be reported to the Water Board in the Permittee’s Annual Report. However, the process should be documented and records kept as to the reason the project was removed from further consideration. Note that projects that were determined to be too early to assess will need to be reassessed during the next fiscal year’s review.

The following categories of projects may be screened out of the review process in a given fiscal year:

1. **Projects with No Potential** - The project is identified in initial screening as having no green infrastructure potential based on the type of project. For example, the project does not include any exterior work. Attachment 1 provides a suggested list of such projects that Permittees may use as a model for their own internal process.

2. **Projects Too Early to Assess** – There is not yet enough information to assess the project for green infrastructure potential, or the project is not scheduled to begin design within the permit term (January 2016 – December 2020). If the project is scheduled to begin within the permit term, an assessment will be conducted if and when the project moves forward to conceptual design.
3. **Projects Too Late to Change** – The project is under construction or has moved to a stage of design in which changes cannot be made. The stage of design at which it is too late to incorporate green infrastructure measures varies with each project, so a “percent-complete” threshold has not been defined. Some projects may have funding tied to a particular conceptual design and changes cannot be made even early in the design process, while others may have adequate budget and time within the construction schedule to make changes late in the design process. Agencies will need to make judgments on a case-by-case basis.
4. **Projects Consisting of Maintenance or Minor Construction Work Orders** – The “project” includes budgets for multiple maintenance or minor construction work orders throughout the jurisdiction or a portion of the jurisdiction. These types of projects will not be individually reviewed for green infrastructure opportunity but will be considered as part of a municipality’s Green Infrastructure Plan.

Part 2 – Assessment of Green Infrastructure Potential

After the initial screening, the remaining projects either already include green infrastructure or will need to go through an assessment process to determine whether or not there is potential to incorporate green infrastructure. A recommended process for conducting the assessment is provided later in this guidance. As a result of the assessment, the project will fall into one of the following categories with associated annual reporting requirements. Attachment 2 provides the relevant pages of the FY 15-16 Annual Report template for reference.

- **Project is a C.3-regulated project and will include LID treatment.**

Reporting: Follow current C.3 guidance and report the project in Table C.3.b.iv.(2) of the Annual Report for the fiscal year in which the project is approved.

- **Project already includes green infrastructure and is funded.**

Reporting: List the project in “Table B-Planned Green Infrastructure Projects” in the Annual Report, indicate the planning or implementation status, and describe the green infrastructure measures to be included.

- **Project may have green infrastructure potential** pending further assessment of feasibility, incremental cost, and availability of funding.

Reporting: If the feasibility assessment is not complete and/or funding has not been identified, list the project in “Table A-Public Projects Reviewed for Green Infrastructure” in the Annual Report. In the “GI Included?” column, state either “TBD” (to be determined) if the assessment is not complete, or “Yes” if it has been determined that green infrastructure is feasible. In the rightmost column, describe the green infrastructure measures considered and/or proposed, and note the funding and other contingencies for inclusion of green infrastructure in the project. Once funding for the project has been identified, the project should be moved to “Table B-Planned Green Infrastructure Projects” in future Annual Reports.

- **Project does not have green infrastructure potential.** A project-specific assessment has been completed, and Green Infrastructure is impracticable.

Reporting: In the Annual Report, list the project in “Table A-Public Projects Reviewed for Green Infrastructure”. In the “GI Included?” column, state “No.” Briefly state the reasons for the determination in the rightmost column. Prepare more detailed documentation of the reasons for the determination and keep it in the project files.

Process for Assessing Green Infrastructure Potential of a Public Infrastructure Project

Initial Assessment of Green Infrastructure Potential

Consider opportunities that may be associated with:

- Alterations to roof drainage from existing buildings
- New or replaced pavement or drainage structures (including gutters, inlets, or pipes)
- Concrete work
- Landscaping, including tree planting
- Streetscape improvements and intersection improvements (other than signals)

Step 1: Information Collection/Reconnaissance

For projects that include alterations to building drainage, identify the locations of roof leaders and downspouts, and where they discharge or where they are connected to storm drains.

For street and landscape projects:

- Evaluate potential opportunities to substitute pervious pavements for impervious pavements.
- Identify and locate drainage structures, including storm drain inlets or catch basins.
- Identify and locate drainage pathways, including curb and gutter.

Identify landscaped areas and paved areas that are adjacent to, or down gradient from, roofs or pavement. These are potential facility locations. *If there are any such locations, continue to the next step.* Note that the project area boundaries may be, but are not required to be, expanded to include potential green infrastructure facilities.

Step 2: Preliminary Sizing and Drainage Analysis

Beginning with the potential LID facility locations that seem most feasible, identify possible pathways to direct drainage from roofs and/or pavement to potential LID facility locations—by sheet flow, valley gutters, trench drains, or (where gradients are steeper) via pipes, based on existing grades and drainage patterns. Where existing grades constrain natural drainage to potential facilities, the use of pumps may be considered (as a less preferable option).

Delineate (roughly) the drainage area tributary to each potential LID facility location. Typically, this requires site reconnaissance, which may or may not include the use of a level to measure relative elevations.

Use the following preliminary sizing factor (facility area/tributary area) for the potential facility location and determine which of the following could be constructed within the existing right-of-way or adjacent vacant land. Note that these sizing factors are guidelines (not strict rules, but targets):

- Sizing factor ≥ 0.5 for dispersal to landscape or pervious pavement² (i.e., a maximum 2:1 ratio of impervious area to pervious area)
- Sizing factor ≥ 0.04 for bioretention
- Sizing factor ≥ 0.004 (or less) for tree-box-type biofilters

For bioretention facilities requiring underdrains and tree-box-type biofilters, note if there are potential connections from the underdrain to the storm drain system (typically 2.0 feet below soil surface for bioretention facilities, and 3.5 feet below surface for tree-box-type biofilters).

² Note that pervious pavement systems are typically designed to infiltrate only the rain falling on the pervious pavement itself, with the allowance for small quantities of runoff from adjacent impervious areas. If significant runoff from adjacent areas is anticipated, preliminary sizing considerations should include evaluation of the depth of drain rock layer needed based on permeability of site soils.

If, in this step, you have confirmed there may be feasible potential facility locations, *continue to the next step.*

Step 3: Barriers and Conflicts

Note that barriers and conflicts do not necessarily mean implementation is infeasible; however, they need to be identified and taken into account in future decision-making, as they may affect cost or public acceptance of the project.

Note issues such as:

- Confirmed or potential conflicts with subsurface utilities
- Known or unknown issues with property ownership, or need for acquisition or easements
- Availability of water supply for irrigation, or lack thereof
- Extent to which green infrastructure is an “add on” vs. integrated with the rest of the project

Step 4: Project Budget and Schedule

Consider sources of funding that may be available for green infrastructure. It is recognized that lack of budget may be a serious constraint for the addition of green infrastructure in public projects. For example, acquisition of additional right-of-way or easements for roadway projects is not always possible. Short and long term maintenance costs also need to be considered, and jurisdictions may not have a funding source for landscape maintenance, especially along roadways. The objective of this process is to identify opportunities for green infrastructure, so that if and when funding becomes available, implementation may be possible.

Note any constraints on the project schedule, such as a regulatory mandate to complete the project by a specific date, grant requirements, etc., that could complicate aligning a separate funding stream for the green infrastructure element. Consider whether cost savings could be achieved by integrating the project with other planned projects, such as pedestrian or bicycle safety improvement projects, street beautification, etc., if the schedule allows.

Step 5: Assessment—Does the Project Have Green Infrastructure Potential?

Consider the ancillary benefits of green infrastructure, including opportunities for improving the quality of public spaces, providing parks and play areas, providing habitat, urban forestry, mitigating heat island effects, aesthetics, and other valuable enhancements to quality of life.

Based on the information above, would it make sense to include green infrastructure into this project—if funding were available for the potential incremental costs of including green infrastructure in the project? Identify any additional conditions that would have to be met for green infrastructure elements to be constructed consequent with the project.

Attachment 1

Examples of Projects with No Potential for Green Infrastructure

- ☐ Projects with no exterior work (e.g., interior remodels)
- ☐ Projects involving exterior building upgrades or equipment (e.g., HVAC, solar panels, window replacement, roof repairs and maintenance)
- ☐ Projects related to development and/or continued funding of municipal programs or related organizations
- ☐ Projects related to technical studies, mapping, aerial photography, surveying, database development/upgrades, monitoring, training, or update of standard specs and details
- ☐ Construction of new streetlights, traffic signals or communication facilities
- ☐ Minor bridge and culvert repairs/replacement
- ☐ Non-stormwater utility projects (e.g., sewer or water main repairs/replacement, utility undergrounding, treatment plant upgrades)
- ☐ Equipment purchase or maintenance (including vehicles, street or park furniture, equipment for sports fields and golf courses, etc.)
- ☐ Irrigation system installation, upgrades or repairs

Attachment 2

**Excerpts from the C.3 Section of the FY 15-16 Annual Report Template:
Tables for Reporting C.3-Regulated Projects and Green Infrastructure Projects**

C.3.b.iv.(2) ► Regulated Projects Reporting Table (part 1) – Projects
Approved During the Fiscal Year Reporting Period

Project Name Project No.	Project Location ¹⁰ , Street Address	Name of Developer	Project Phase No. ¹¹	Project Type & Description ¹²	Project Watershed ¹³	Total Site Area (Acres)	Total Area of Land Disturbed (Acres)	Total New Impervious Surface Area (ft ²) ¹⁴	Total Replaced Impervious Surface Area (ft ²) ¹⁵	Total Pre- Project Impervious Surface Area ¹⁶ (ft ²)	Total Post- Project Impervious Surface Area ¹⁷ (ft ²)
Private Projects											
Public Projects											
Comments: Guidance: If necessary, provide any additional details or clarifications needed about listed projects in this box. Do not leave any cells blank.											

¹⁰Include cross streets

¹¹If a project is being constructed in phases, indicate the phase number and use a separate row entry for each phase. If not, enter "NA".

¹²Project Type is the type of development (i.e., new and/or redevelopment). Example descriptions of development are: 5-story office building, residential with 160 single-family homes with five 4-story buildings to contain 200 condominiums, 100 unit 2-story shopping mall, mixed use retail and residential development (apartments), industrial warehouse.

¹³State the watershed(s) in which the Regulated Project is located. Downstream watershed(s) may be included, but this is optional.

¹⁴All impervious surfaces added to any area of the site that was previously existing pervious surface.

¹⁵All impervious surfaces added to any area of the site that was previously existing impervious surface.

¹⁶For redevelopment projects, state the pre-project impervious surface area.

¹⁷For redevelopment projects, state the post-project impervious surface area.

C.3.b.iv.(2) ► Regulated Projects Reporting Table (part 2) – Projects Approved During the Fiscal Year Reporting Period (private projects)

Project Name Project No.	Application Deemed Complete Date ¹⁸	Application Final Approval Date ¹⁹	Source Control Measures ²⁰	Site Design Measures ²¹	Treatment Systems Approved ²²	Type of Operation & Maintenance Responsibility Mechanism ²³	Hydraulic Sizing Criteria ²⁴	Alternative Compliance Measures ^{25/26}	Alternative Certification ²⁷	HM Controls ^{28/29}
Private Projects										

¹⁸For private projects, state project application deemed complete date. If the project did not go through discretionary review, report the building permit issuance date.

¹⁹For private projects, state project application final discretionary approval date. If the project did not go through discretionary review, report the building permit issuance date.

²⁰List source control measures approved for the project. Examples include: properly designed trash storage areas; storm drain stenciling or signage; efficient landscape irrigation systems; etc.

²¹List site design measures approved for the project. Examples include: minimize impervious surfaces; conserve natural areas, including existing trees or other vegetation, and soils; construct sidewalks, walkways, and/or patios with permeable surfaces, etc.

²²List all approved stormwater treatment system(s) to be installed onsite or at a joint stormwater treatment facility (e.g., flow through planter, bioretention facility, infiltration basin, etc.).

²³List the legal mechanism(s) (e.g., O&M agreement with private landowner; O&M agreement with homeowners’ association; O&M by public entity, etc...) that have been or will be used to assign responsibility for the maintenance of the post-construction stormwater treatment systems.

²⁴See Provision C.3.d.i. “Numeric Sizing Criteria for Stormwater Treatment Systems” for list of hydraulic sizing design criteria. Enter the corresponding provision number of the appropriate criterion (i.e., 1.a., 1.b., 2.a., 2.b., 2.c., or 3).

²⁵For Alternative Compliance at an offsite location in accordance with Provision C.3.e.i.(1), on a separate page, give a discussion of the alternative compliance site including the information specified in Provision C.3.b.v.(1)(m)(i) for the offsite project.

²⁶For Alternative Compliance by paying in-lieu fees in accordance with Provision C.3.e.i.(2), on a separate page, provide the information specified in Provision C.3.b.v.(1)(m)(ii) for the Regional Project.

²⁷Note whether a third party was used to certify the project design complies with Provision C.3.d.

²⁸If HM control is not required, state why not.

²⁹If HM control is required, state control method used (e.g., method to design and size device(s) or method(s) used to meet the HM Standard, and description of device(s) or method(s) used, such as detention basin(s), bioretention unit(s), regional detention basin, or in-stream control).

C.3.b.iv.(2) ► Regulated Projects Reporting Table (part 2) –
Projects Approved During the Fiscal Year Reporting Period
(public projects)

Project Name Project No.	Approval Date ³⁰	Date Construction Scheduled to Begin	Source Control Measures ³¹	Site Design Measures ³²	Treatment Systems Approved ³³	Operation & Maintenance Responsibility Mechanism ³⁴	Hydraulic Sizing Criteria ³⁵	Alternative Compliance Measures ^{36/37}	Alternative Certification ³⁸	HM Controls ^{39/40}
Public Projects										
Comments: Guidance: If necessary, provide any additional details or clarifications needed about listed projects in this box. Note that MRP Provision C.3.c. contains specific requirements for LID site design and source control measures, as well as treatment measures, for <u>all</u> Regulated Projects. Entries in these columns should not be “None” or “NA”. Do not leave any cells blank.										

³⁰For public projects, enter the plans and specifications approval date.

³¹List source control measures approved for the project. Examples include: properly designed trash storage areas; storm drain stenciling or signage; efficient landscape irrigation systems; etc.

³²List site design measures approved for the project. Examples include: minimize impervious surfaces; conserve natural areas, including existing trees or other vegetation, and soils; construct sidewalks, walkways, and/or patios with permeable surfaces, etc.

³³List all approved stormwater treatment system(s) to be installed onsite or at a joint stormwater treatment facility (e.g., flow through planter, bioretention facility, infiltration basin, etc.).

³⁴List the legal mechanism(s) (e.g., maintenance plan for O&M by public entity, etc...) that have been or will be used to assign responsibility for the maintenance of the post-construction stormwater treatment systems.

³⁵See Provision C.3.d.i. “Numeric Sizing Criteria for Stormwater Treatment Systems” for list of hydraulic sizing design criteria. Enter the corresponding provision number of the appropriate criterion (i.e., 1.a., 1.b., 2.a., 2.b., 2.c., or 3).

³⁶For Alternative Compliance at an offsite location in accordance with Provision C.3.e.i.(1), on a separate page, give a discussion of the alternative compliance site including the information specified in Provision C.3.b.v.(1)(m)(i) for the offsite project.

³⁷For Alternative Compliance by paying in-lieu fees in accordance with Provision C.3.e.i.(2), on a separate page, provide the information specified in Provision C.3.b.v.(1)(m)(ii) for the Regional Project.

³⁸Note whether a third party was used to certify the project design complies with Provision C.3.d.

³⁹If HM control is not required, state why not.

⁴⁰If HM control is required, state control method used (e.g., method to design and size device(s) or method(s) used to meet the HM Standard, and description of device(s) or method(s) used, such as detention basin(s), bioretention unit(s), regional detention basin, or in-stream control).

Permittee Name: _____

C.3.j.ii.(2) ► Table A - Public Projects Reviewed for Green Infrastructure

Project Name and Location ⁴⁴	Project Description	Status ⁴⁵	GI Included? ⁴⁶	Description of GI Measures Considered and/or Proposed or Why GI is Impracticable to Implement ⁴⁷
EXAMPLE: Storm drain retrofit, Stockton and Taylor	Installation of new storm drain to accommodate the 10-yr storm event	Beginning planning and design phase	TBD	Bioretention cells (i.e., linear bulb-outs) will be considered when street modification designs are incorporated

C.3.j.ii.(2) ► Table B - Planned Green Infrastructure Projects

Project Name and Location ⁴⁸	Project Description	Planning or Implementation Status	Green Infrastructure Measures Included
EXAMPLE: Martha Gardens Green Alleys Project	Retrofit of degraded pavement in urban alleyways lacking good drainage	Construction completed October 17, 2015	The project drains replaced concrete pavement and existing adjacent structures to a center strip of pervious pavement and underlying infiltration trench.

⁴⁴ List each public project that is going through your agency's process for identifying projects with green infrastructure potential.

⁴⁵ Indicate status of project, such as: beginning design, under design (or X% design), projected completion date, completed final design date, etc.

⁴⁶ Enter "Yes" if project will include GI measures, "No" if GI measures are impracticable to implement, or "TBD" if this has not yet been determined.

⁴⁷ Provide a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practicable during the permit term. If review of the project indicates that implementation of green infrastructure measures is not practicable, provide the reasons why green infrastructure measures are impracticable to implement.

⁴⁸ List each planned (and expected to be funded) public and private green infrastructure project that is not also a Regulated Project as defined in Provision C.3.b.ii. Note that funding for green infrastructure components may be anticipated but is not guaranteed to be available or sufficient.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Certifying Election Results and Adding Tract No. 10455 to Community Facilities District 2008-1 (Annexation No. 17); Approve Final Tract Map No. 10455; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1992 Tarob Court
Category:	Consent Calendar-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	<ol style="list-style-type: none">1. Following receipt of election result, adopt a resolution certifying election results and adding Tract No. 10455 to Community Facilities District 2008-1 (Annexation No. 17); and2. Approve Final Tract Map No. 10455, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and3. Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast LLC.

Background:

On October 3, 2017, the City Council approved a Vesting Tentative Map (MT16-0004), Site Development Permit (SD16-0020) and Conditional Use Permit (UP16-0029) to allow construction of 53 residential condominium units located on a 2.42 acre site within the Transit Area Specific Plan area at 1992 Tarob Court. This project is known as 1992 Tarob Court (Project), and the developer is Toll West Coast LLC (Developer).

Analysis:

The final map for the Project is now complete and ready for approval by the City Council. The City Engineer has examined the final map for Tract No. 10455 and determined that the map is substantially the same as the previously approved Vesting Tentative Map, and finds that it conforms to all requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code (MMC) and the terms and conditions of the Vesting Tentative Map. The Developer has offered required dedications to the City for public use, including easements for public service and utility and emergency vehicle access purposes, as shown on the final map. Staff recommends the City Council approve the final map and to accept these dedications, subject to completion and acceptance of public improvements to be installed by the Developer.

On March 26, 2018, the City's Facilities and Streets Naming Subcommittee reviewed and recommended approval of the street names as shown on the final map. Those private street names are Joshua Tree Circle, Sage Court and Terracotta Court respectively, without duplication. City Council are required to approve all street names pursuant to MMC Section XI-1-7.01-8.

The Developer has agreed to enter into a Subdivision Improvement Agreement (SIA) with the City for the construction of off-site public improvements for the project which will be completed with the on-site work, and the public improvements will be accepted by the City after final map approval. Offsite public improvements to be constructed and accepted by the City include asphalt concrete pavement, signing and striping, curb and gutter, sidewalk, driveway approach, utility mains and services, landscaping and other miscellaneous items. The work identified on the improvement plans. The improvements will be completed within 1-year from the date of

the SIA, and the work is guaranteed by bonds or similar securities to be posted by the Developer in the amount of \$461,000.

The City Engineer has reviewed the public improvement plans (E-EN18-0056) and is recommending the City Council approve the Subdivision Improvement Agreement to allow for the construction of public improvements after final map approval.

The final map for Tract No. 10455 is subject to annexation into the Community Facilities District No. 2008-1 (CFD 2008-1). The City has on file a Certificate of Registrar of Voters from the County of Santa Clara certifying that there are no registered voters residing within the boundaries of the proposed CFD Annexation No. 17 for this development. The Developer is the sole property owner, and on August 30, 2019, the property owner was scheduled to vote on agreeing to the proposed Annexation No. 17. The resolution attached hereto documents the results of the election on annexation into CFD 2008-1. Annexation into CFD 2008-1 is subject to the provisions of the Mello-Roos Community Facilities Act of 1982, commencing with Section 53311 of the Government Code. While the Act has a number of requirements for annexation and imposition of the special tax, the Developer (as the sole landowner within the annexation territory) has agreed to waive many of the formalities. A copy of the waiver executed by the Developer is on file with the City Clerk.

Policy Alternatives:

Alternative 1:

Deny approval of Final Map and Subdivision Improvement Agreement.

Pros: None

Cons: The site is currently vacant and a denial of approval of the Final Map or the Subdivision Improvement Agreement will cause the lot to remain vacant and undeveloped. The City would not benefit from the addition of 53 new residential housing condominium units.

Reason not recommended: To allow the Project to move forward, staff recommends approval of Final Map and Subdivision Improvement Agreement for Tract No. 10455.

Alternative 2:

Deny Annexation of Tract No. 10455 to CFD 2008-1.

Pros: None

Cons: Denying the Annexation of Tract No. 10455 into the CFD No. 2008-1 would prevent the City from levying special taxes within Tract No. 10455, in order to fund public services.

Reason not recommended: To adequately fund the perpetual maintenance of improvements and services within CFD No. 2008-1, staff recommends adoption of a resolution certifying election results and adding Tract No. 10455 to CFD 2008-1.

Fiscal Impact:

Adding Tract No. 10455 to the CFD No. 2008-1 would allow the City to levy special taxes to properties within Tract No. 10455, in order to fund for public services.

California Environmental Quality Act:

Approval of final subdivision map is a ministerial action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15268(b)(3). Approval of the Subdivision Improvement Agreement implements the Project, for which the City already conducted CEQA review. Resolution No. 8509 approved an Addendum to the previously certified Transit Area Specific Plan Environmental Impact Report.

Under Public Resources Code section 21166, no further environmental review is required to approve this final subdivision map because of the previously certified EIR and the approved addendum. Under section 21166, no further subsequent or supplemental environmental impact report shall be required unless one or more of the following events occurs: (1) there are substantial changes in the Project that require major revisions of the EIR (2) there are substantial changes in the Project that will require major revisions of the EIR; or (3) there is new information that was not known or could not have known when the EIR was certified. None of those circumstances exist here.

Recommendations:

1. Adopt a resolution certifying election results and adding Tract No. 10455 to Community Facilities District 2008-1 (Annexation No. 17).
2. Approve Final Tract Map No. 10455, including approval of street names and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
3. Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast LLC.

Attachments:

- 1: Resolution certifying election results and adding Tract No. 10455 to CFD No. 2008-1 (Annexation No. 17)
- 2: Final Tract Map No. 10455
- 3: Subdivision Improvement Agreement

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CERTIFYING THE RESULTS OF
AN ELECTION AND ADDING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2008-1
(PUBLIC SERVICES)**

(Annexation No. 17)

WHEREAS, the City Council of the City of Milpitas (the "City Council") has previously formed Community Facilities District No. 2008-1 (Public Services) ("CFD No. 2008-1") pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), as amended, for the purpose of financing certain Public Services; and

WHEREAS, acting pursuant to the Act, the City Council also authorized by the adoption of Resolution No. 8601 (the "Resolution Authorizing Future Annexation") the annexation in the future of territory to CFD No. 2008-1, such territory designated as Future Annexation Area, Community Facilities District No. 2008-1 (the "Future Annexation Area"); and

WHEREAS, at this time the unanimous consent to the annexation of certain territory located within the Future Annexation Area to CFD No. 2008-1 has been received from the property owner of such territory, and such territory has been designated as Annexation No. 17 (the "Territory"); and

WHEREAS, less than twelve (12) registered voters have resided within the Territory for each of the ninety (90) days preceding the election date established for the Territory, therefore, pursuant to the Act the qualified elector of the Territory shall be the "landowner," as such term is defined in Government Code Section 53317(f), of such Territory and such landowner who is the owner of record as of the applicable election date, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of the parcel of land that landowner owns within such Territory; and

WHEREAS, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on the Territory to the qualified elector thereof and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified elector of the Territory; and

WHEREAS, the City Clerk of the City of Milpitas has caused a ballot to be distributed to the qualified elector of the Territory, has received and canvassed such ballot and made a report to the City Council regarding the results of such canvass, a copy of which is attached as **Exhibit A** hereto and incorporated herein by this reference; and

WHEREAS, at this time the measure voted upon and such measure did receive the favorable vote of the qualified elector of the Territory, and the City Council desires to declare the results of the election; and

WHEREAS, a map showing the Territory and designated as Annexation Map No. 17 (the "Annexation Map"), a copy of which is attached as **Exhibit B** hereto and incorporated herein by this reference, has been submitted to this legislative body.

NOW, THEREFORE, the City Council of the City of Milpitas, California, acting as the legislative body of Community Facilities District No. 2008-1, hereby finds, determines and resolves as follows:

1. **Recitals.** The above recitals are true and correct.
2. **Findings.** This legislative body does hereby further determine as follows:
 - A. The unanimous consent as described in the recitals hereto to the annexation of the Territory to CFD No. 2008-1 has been given by the owner of the Territory and such consent shall be kept on file in the Office of the City Clerk of the City of Milpitas.
 - B. Less than twelve (12) registered voters have resided within the Territory for each of the ninety (90) days preceding the election date established for the each of the parcels located within the Territory.

Territory, therefore, pursuant to the Act the qualified elector for the Territory shall be the "landowner" of the Territory as such term is defined in Government Code Section 53317(f).

- C. The qualified elector of the Territory has voted in favor of the levy of special taxes on the Territory upon its annexation to CFD No. 2008-1.
3. Territory. The boundaries and parcels of property within the Territory and on which special taxes will be levied in order to pay for the costs and expenses of authorized Public Services are shown on the Annexation Map as submitted to and hereby approved by this legislative body.
4. Declaration of Annexation. This legislative body does hereby determine and declare that the Territory, and each parcel therein, is now added to and becomes a part of CFD No. 2008-1. The City Council, acting as the legislative body of CFD No. 2008-1, is hereby empowered to levy the authorized special tax within the Territory.
5. Notice. Immediately upon adoption of this Resolution, notice shall be given as follows:
- A. A copy of the Annexation Map as approved shall be filed in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.
- B. An Amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.
6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST

The undersigned, ELECTION OFFICIAL OF THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DOES HEREBY CERTIFY that pursuant to the provisions of Section 53326 of the Government Code and Division 12, commencing with Section 17000 of the Elections Code of the State of California, I did canvass the returns of the votes cast at the

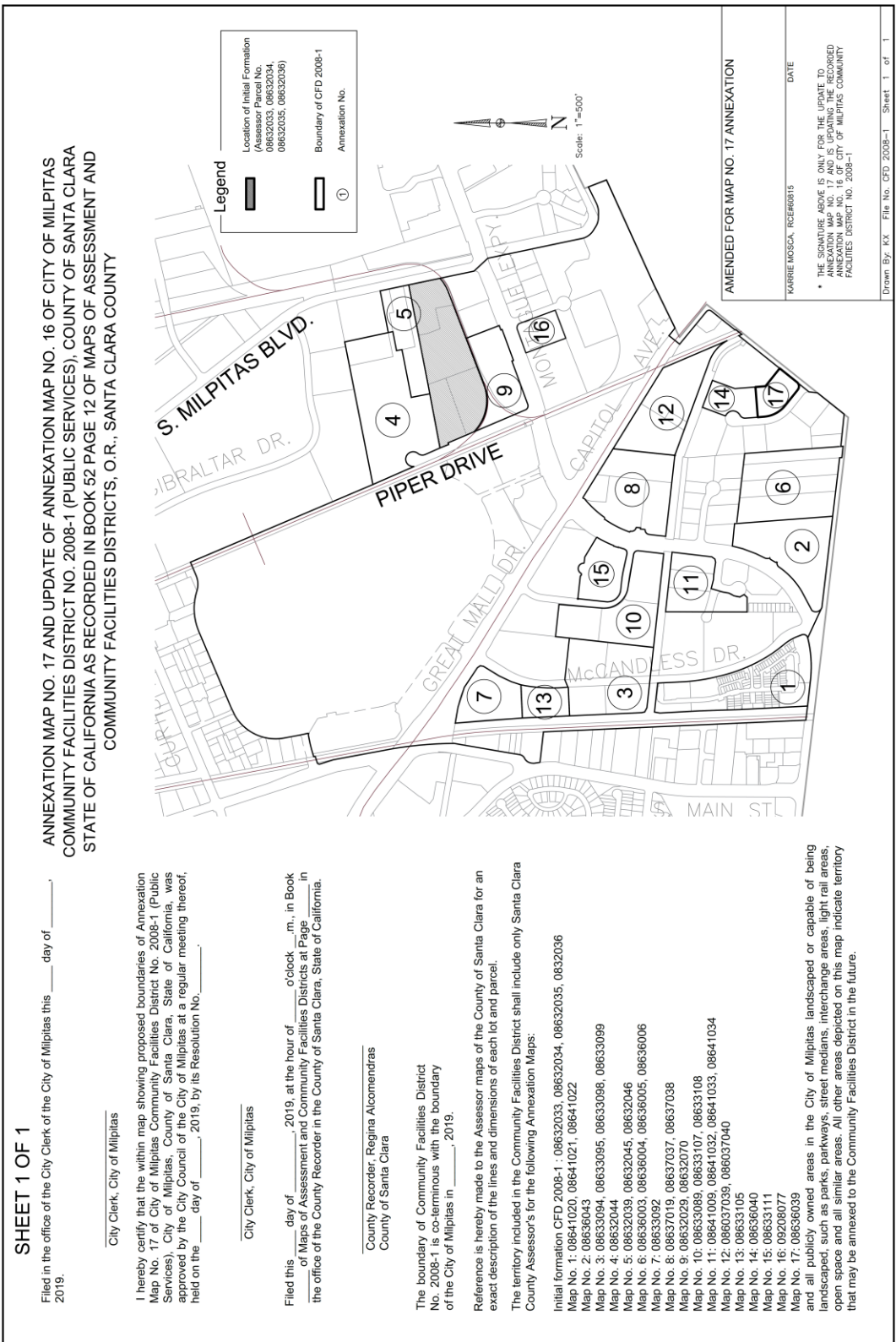
I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in the area proposed to be annexed to Community Facilities District No. 2008-1 for or against the Measure are full, true and correct.

WITNESS my hand this _____ day of _____, 20__.

MARY LAVELLE, CITY CLERK
ELECTION OFFICIAL
CITY OF MILPITAS
OF THE STATE OF CALIFORNIA

EXHIBIT B

ANNEXATION MAP



OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE, OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN HEREON; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT WE CONSENT TO THE MAKING AND RECORDING OF THIS SUBDIVISION MAP AS SHOWN WITHIN THE DISTINCTIVE BOUNDARY LINE.

WE HEREBY OFFER FOR DEDICATION TO THE CITY OF MILPITAS FOR PUBLIC PURPOSES FOR OPERATION, ALTERATION, RELOCATION, MAINTENANCE, REPAIR AND REPLACEMENT OF ALL PUBLIC SERVICE FACILITIES AND THEIR APPURTENANCES, OVER, UNDER, ALONG AND ACROSS THE FOLLOWING:

1. EASEMENTS FOR PUBLIC SERVICE AND UTILITY EASEMENT PURPOSES (PSUE).
2. EASEMENTS FOR EMERGENCY VEHICLE ACCESS PURPOSES (EVAE).

THE ABOVE MENTIONED EASEMENTS SHALL REMAIN OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE AND PUBLIC UTILITY STRUCTURES AND THEIR APPURTENANCES, IRRIGATION SYSTEMS AND THEIR APPURTENANCES AND LAWFUL FENCES. UNOBSTRUCTED CONTINUOUS ACCESS SHALL BE MAINTAINED AT ALL TIMES.

AND THE UNDERSIGNED DOES HEREBY STATE THAT THE REAL PROPERTY DESCRIBED AS PARCEL A AND PARCEL B ARE FOR PRIVATE OPEN SPACE AND DRAINAGE PURPOSES.

THE UNDERSIGNED HEREBY DECLARES THAT ALL OF THE PRIVATE STREETS (TERRACOTTA COURT, JOSHUA TREE CIRCLE, SAGE COURT) ARE ESTABLISHED AS ACCESS WAYS FOR THE BENEFIT OF ALL THE CONDOMINIUM OWNERS WITHIN THIS SUBDIVISION, THEIR LICENSES, VISITORS AND TENANTS, BUT ARE NOT OFFERED FOR DEDICATION FOR PUBLIC USE. SAID PRIVATE STREETS ARE ALSO RESERVED FOR THE BENEFIT OF PARCEL A OF 518 M 32-34 AND TRACT 10421 OF 913 M 8-11 FOR ACCESS WAYS TO AND FROM THE PUBLIC STREET (TAROB COURT AND LUNDY PLACE, FORMALLY TRIMBLE ROAD). MAINTENANCE OF SAID PRIVATE STREETS IS TO BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION OF TRACT 10455, ALL IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs).

THE DESIGNATED PRIVATE STREETS ON THIS MAP ARE NOT PART OF THE CITY OF MILPITAS STREET SYSTEM AND WILL NOT BE ACCEPTED FOR PUBLIC MAINTENANCE.

AND THE UNDERSIGNED DOES HEREBY DESCRIBE AND DEPICT AN EASEMENT FOR PRIVATE USE OVER THE AREAS DESIGNATED AS "PRWLE" (PRIVATE RECYCLED WATER LINE EASEMENT) FOR INSTALLATION, OPERATION, USE, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION, RESTORATION AND REMOVAL OF RECYCLED WATER SYSTEMS SERVING THIS SUBDIVISION. SAID EASEMENTS SHALL BE OWNED AND MAINTAINED AS STATED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS) GOVERNING TRACTS 10421 AND 10455 AND IN A RECORDED RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT. THIS SUBDIVISION, TRACT 10455, 1992 TAROB COURT, WILL BE ANNEXED INTO THE CC&R'S OF TRACT 10421, 1980 TAROB COURT.

ALL WATER, SANITARY SEWER, AND STORM DRAIN UTILITIES WITHIN THE DISTINCTIVE BOUNDARY LINE OF THIS MAP ARE PRIVATELY OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL DRY UTILITIES (GAS, ELECTRIC, TELEPHONE, CABLE, ETC.) WITHIN THE DISTINCTIVE BOUNDARY LINE OF THIS MAP ARE OWNED AND MAINTAINED BY THE RESPECTIVE UTILITY COMPANY.

OWNER:

TOLL WEST COAST LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____

NAME: ROBERT D. MOORE

TITLE: GROUP PRESIDENT

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS.
COUNTY OF _____ }
ON _____, BEFORE ME, _____, A
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL PLACE OF BUSINESS: _____

MY COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

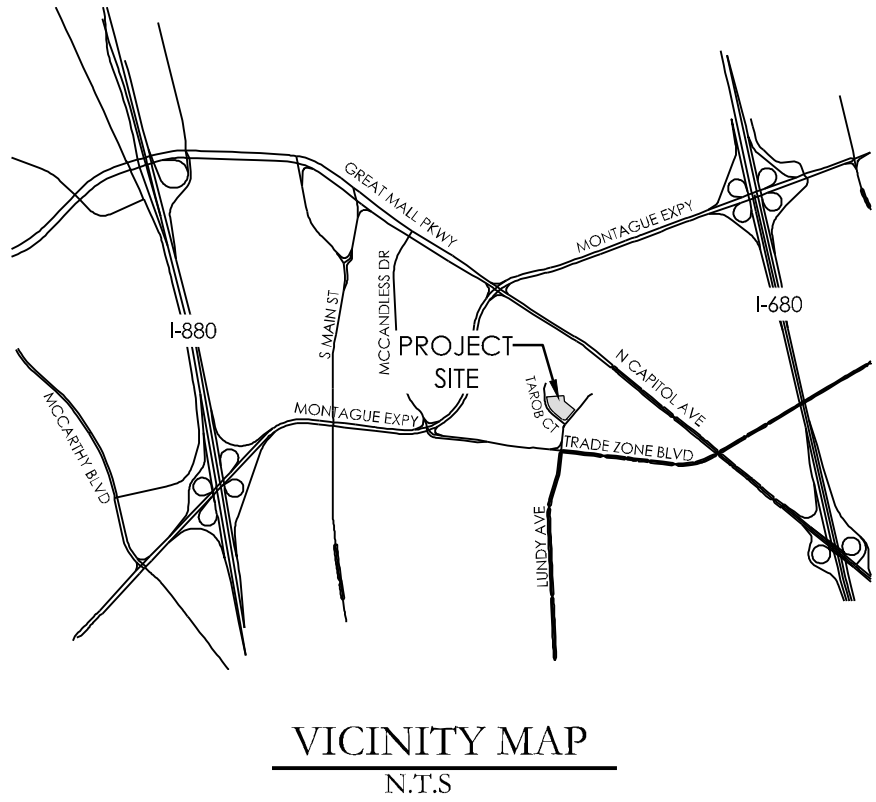
SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF TOLL WEST COAST LLC, A DELAWARE LIMITED LIABILITY COMPANY, IN APRIL 2017. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2019; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

RYAN M. SEXTON, P.L.S.
L.S. NO. 9177

DATE

PROFESSIONAL LAND SURVEYOR
RYAN M. SEXTON
No. 9177
STATE OF CALIFORNIA



COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2019 AT _____, IN BOOK _____ OF MAPS, AT PAGES _____, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: \$ _____

SERIES: _____

REGINA ALCOMENDRAS
COUNTY RECORDER
SANTA CLARA COUNTY, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

TRACT MAP 10455

1992 TAROB COURT

FOR 53 RESIDENTIAL CONDOMINIUM UNITS

BEING ALL OF PARCEL "B" ON THAT CERTAIN PARCEL MAP

RECORDED IN BOOK 518 OF MAPS, PG 32-34

OFFICIAL RECORDS OF SANTA CLARA COUNTY

CITY OF MILPITAS, STATE OF CALIFORNIA

WOOD RODGERS

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

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PLEASANTON, CA 94588 FAX 925.847.1557

AUGUST 2019

Sheet 1 of 6

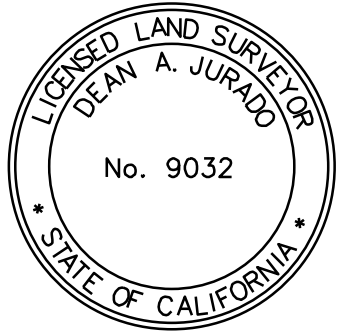
3266009

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

SIGNED: DEAN A. JURADO, PLS 9032
ACTING CITY SURVEYOR, CITY OF MILPITAS

DATE:



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP; THAT THE SUBDIVISION AS SHOWN THEREIN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT THIS SUBDIVISION COMPLIES WITH PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

SIGNED: STEVEN PATRICK ERICKSON, P.E.
CITY ENGINEER, CITY OF MILPITAS
R.C.E. NO. 57242

DATE

GEOTECHNICAL NOTE

GEOTECHNICAL REPORTS ON THIS PROPERTY HAVE BEEN PREPARED BY ENGEO INCORPORATED DATED FEBRUARY 20, 2018, PROJECT NO. 13944.000.001, SIGNED BY YAN LAP JANET KAN, GE NO. 2880 AND ROBERT H. BOECHE, CEG NO. 2318. SAID REPORT HAS BEEN FILED WITH THE CITY OF MILPITAS.

BASIS OF BEARINGS

THE BEARING NORTH 50°39'32" WEST BETWEEN FOUND MONUMENTS ON TAROB COURT AS SHOWN ON THE PARCEL MAP FILED NOVEMBER 7, 2014 IN BOOK 878 OF MAPS AT PAGES 1-9 WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

REFERENCES

- (1) 518 MAPS 32-34 (PARCEL MAP)
(2) 431 MAPS 2-3 (PARCEL MAP)
(3) 878 MAPS 1-9 (TRACT 10224)

NOTES

1. ALL CURVE DIMENSIONS SHOWN ARE ARC LENGTH AND DELTA, ALL DISTANCES SHOWN ARE GROUND DISTANCES AND ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
2. TOTAL AREA OF THIS SUBDIVISION CONTAINS 2.42± ACRES
3. THE DISTINCTIVE BORDER LINE DELINEATES THE BOUNDARY OF LAND SUBDIVIDED BY THIS MAP.
4. THERE ARE A TOTAL OF 8 RESIDENTIAL LOTS FOR 53 RESIDENTIAL CONDOMINIUM UNITS IN THIS SUBDIVISION.
5. PROPOSED EASEMENT LINES ARE PARALLEL AND/OR PERPINDICULAR TO LOT LINES UNLESS SPECIFIED OTHERWISE ON THE MAP

LEGEND

⊙	FOUND STANDARD CITY MONUMENT AS NOTED
●	MONUMENT TO BE SET BY TRACT 10421
⊗	SET SCRIBE IN CONCRETE CURB OR 3/4" IRON PIPE TAGGED LS 9177 OR REBAR AND CAP TAGGED LS 9177
⊙	SET BRASS DISC IN STANDARD CITY MONUMENT WELL, STAMPED L.S. 9177
CL	CENTERLINE
M-M	MONUMENT TO MONUMENT
M	OF MAPS
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
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PRWLE	PRIVATE RECYCLED WATER LINE EASEMENT
(OA)	OVERALL DISTANCE
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SF	SQUARE FEET
SFNF	SEARCHED FOR NOT FOUND
#	EASEMENT REFERENCE
(1)	RECORD REFERENCE
---	SUBDIVISION BOUNDARY
---	LOT LINE
---	MONUMENT LINE
---	EXISTING EASEMENT LINE
---	PROPOSED EASEMENT LINE

CITY CLERK'S STATEMENT

I, MARY LAVELLE, CITY CLERK OF THE CITY OF MILPITAS, CALIFORNIA, HEREBY CERTIFY THAT SAID CITY COUNCIL, AS GOVERNING BODY OF SAID CITY AT A REGULAR MEETING HELD ON _____, HAS TAKEN THE FOLLOWING ACTIONS:

1. APPROVED THIS TRACT MAP NO. 10455.
2. ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC THOSE PARCELS OF LAND OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF OFFER OF DEDICATION TO WIT:
- A. EASEMENTS FOR PUBLIC SERVICE AND UTILITY EASEMENT PURPOSES (PSUE).
- B. EASEMENTS FOR EMERGENCY VEHICLE ACCESS PURPOSES (EVAE).
3. PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT, THE FILING OF THIS MAP SHALL CONSTITUTE ABANDONMENT OF THE FOLLOWING:
- A. PORTION OF AN EASEMENT SHOWN HEREON DEDICATED AND ACCEPTED ON THE PARCEL MAP - BOOK 431 OF MAPS AT PAGES 2-3, 10' PUBLIC SERVICES UTILITY EASEMENT (PSUE) ALONG TAROB COURT AND LUNDY PLACE
- B. THAT PORTION OF TAROB COURT AND LUNDY PLACE (FORMERLY TRIMBLE ROAD) SHOWN HEREON THAT LIES WITHIN THE DISTINCTIVE BOUNDARY OF THIS SUBDIVISION. SAID PORTION OF TAROB COURT AND LUNDY PLACE (FORMERLY TRIMBLE ROAD) WAS DEDICATED AND ACCEPTED ON THE PARCEL MAP - BOOK 431 OF MAPS AT PAGES 2-3

DATED:

MARY LAVELLE
CITY CLERK, CITY OF MILPITAS

OMITTED SIGNATURES

IN ACCORDANCE WITH SECTION 66436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING HOLDERS OF RIGHTS OF WAY OR EASEMENTS, WHICH CANNOT RIPEN INTO FEE, HAVE BEEN OMITTED:

1. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 15, 1984 IN BOOK 1308, PAGE 96 OF OFFICIAL RECORDS.
IN FAVOR OF: PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION.

TRACT MAP 10455

1992 TAROB COURT
FOR 53 RESIDENTIAL CONDOMINIUM UNITS
BEING ALL OF PARCEL "B" ON THAT CERTAIN PARCEL MAP
RECORDED IN BOOK 518 OF MAPS, PG 32-34
OFFICIAL RECORDS OF SANTA CLARA COUNTY
CITY OF MILPITAS, STATE OF CALIFORNIA


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PLEASANTON, CA 94588 FAX 925.847.1557

AUGUST 2019

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3266009

BASIS OF BEARINGS

THE BEARING NORTH 50°39'32" WEST BETWEEN FOUND MONUMENTS ON TAROB COURT AS SHOWN ON THE PARCEL MAP FILED NOVEMBER 7, 2014 IN BOOK 878 OF MAPS AT PAGES 1-9 WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

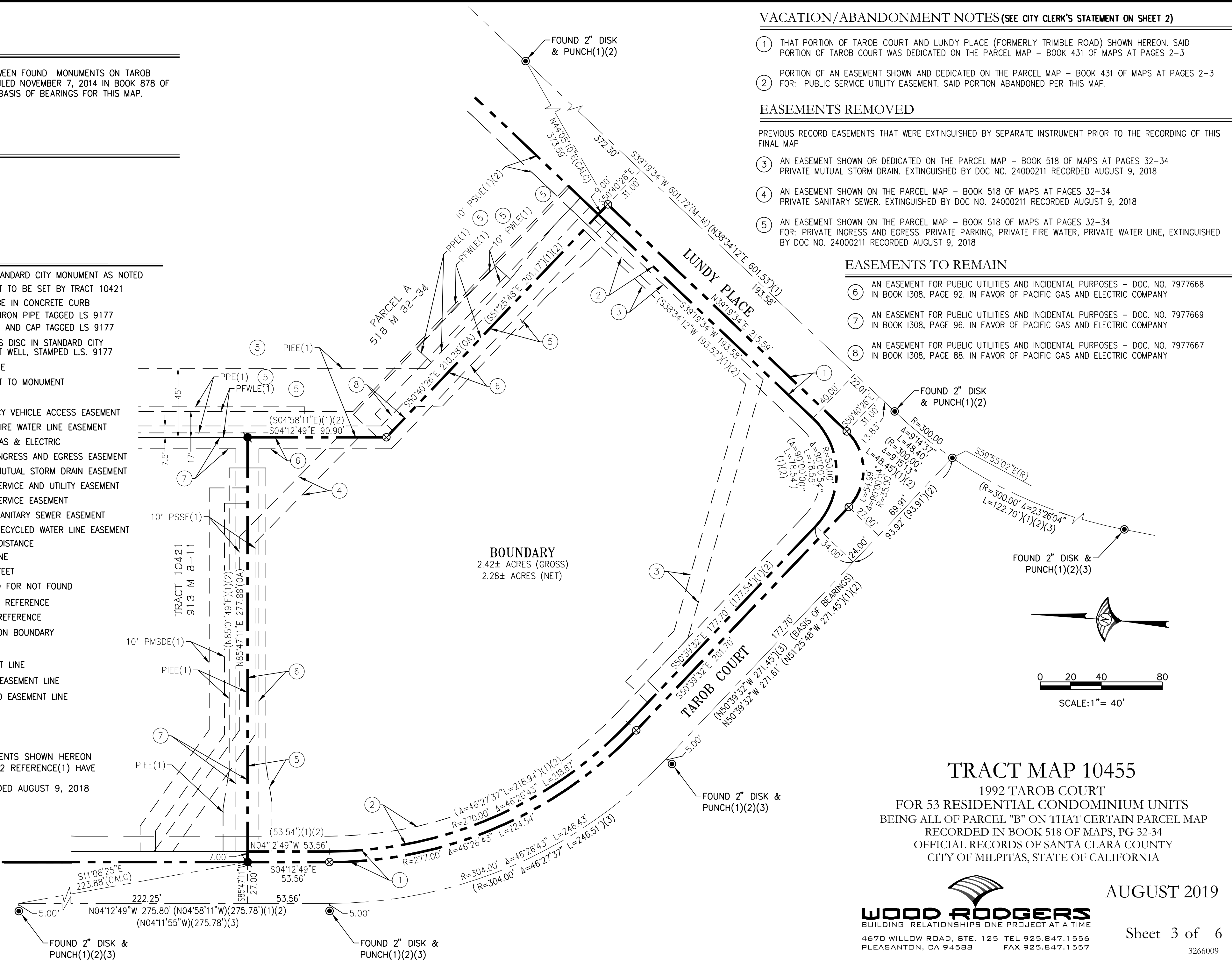
REFERENCES

- (1) 518 MAPS 32-34 (PARCEL MAP)
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- (3) 878 MAPS 1-9 (TRACT 10224)

LEGEND

●	FOUND STANDARD CITY MONUMENT AS NOTED
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⊗	SET SCRIBE IN CONCRETE CURB OR 3/4" IRON PIPE TAGGED LS 9177 OR REBAR AND CAP TAGGED LS 9177
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(1)	RECORD REFERENCE
---	SUBDIVISION BOUNDARY
---	LOT LINE
---	MONUMENT LINE
---	EXISTING EASEMENT LINE
---	PROPOSED EASEMENT LINE

NOTE
OFFSITE RECIPROCAL EASEMENTS SHOWN HEREON AND CREATED BY 518-M-32 REFERENCE(1) HAVE BEEN EXTINGUISHED BY:
DOC NO. 24000211 RECORDED AUGUST 9, 2018



BASIS OF BEARINGS

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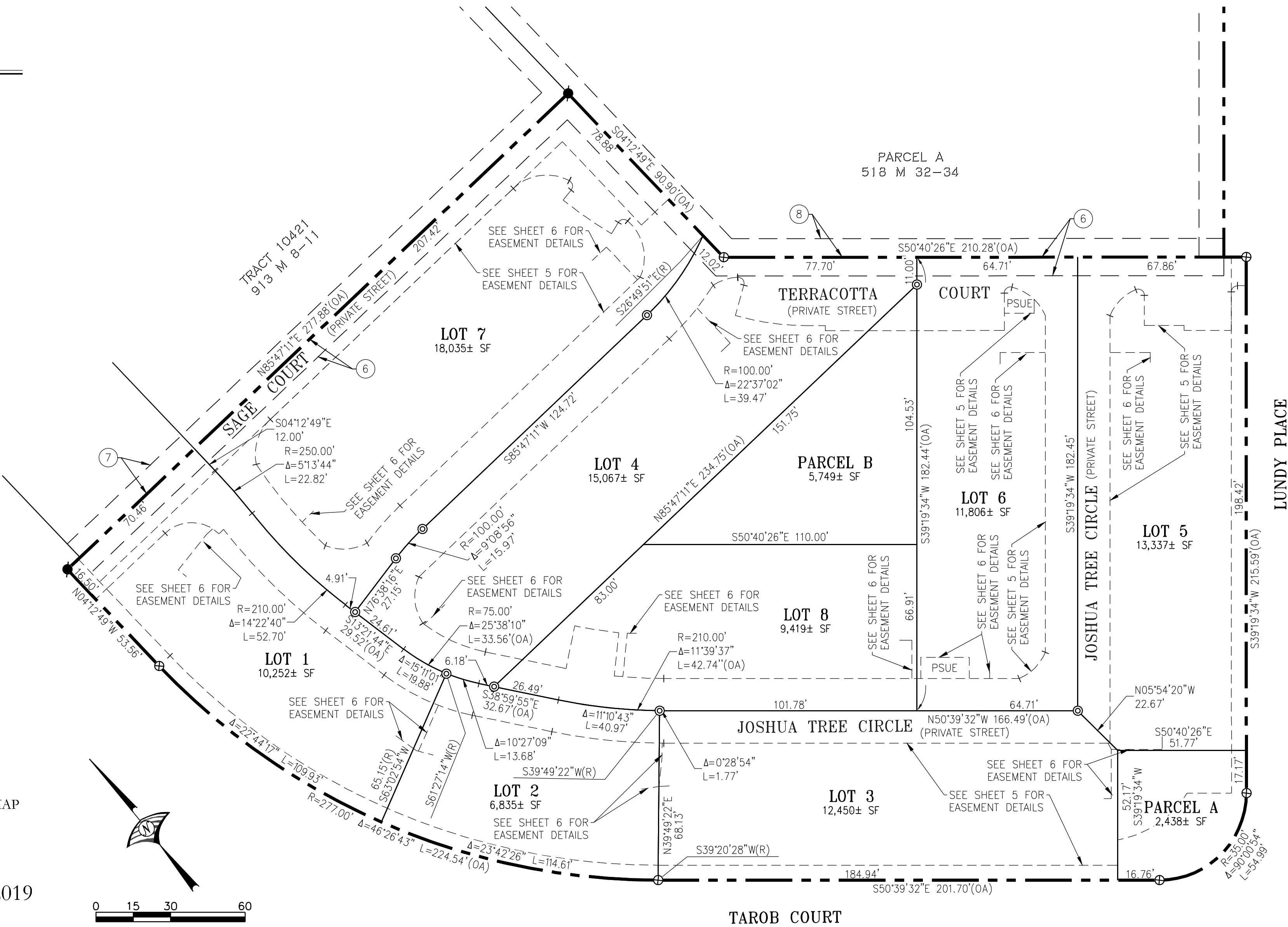
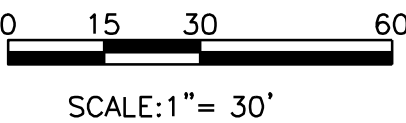
TRACT MAP 10455
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3266009



BASIS OF BEARINGS

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LEGEND

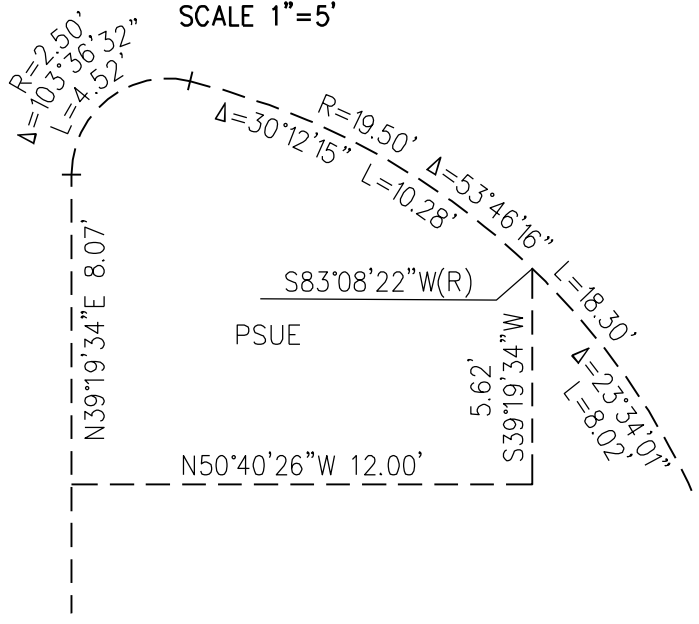
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LINE TABLE		
NO.	BEARING	LENGTH
L1	S77°51'14"W	5.20'
L2	S70°10'18"W	5.23'
L3	S39°19'34"W	12.15'
L4	S50°40'26"E	16.00'
L5	S39°19'34"W	2.00'
L6	S50°40'26"E	19.00'
L7	S39°19'34"W	10.20'
L8	N50°40'26"W	17.85'
L9	S39°19'34"W	15.02'
L10	S39°19'34"W	15.50'
L11	N50°40'26"W	3.50'
L12	S83°30'51"W	2.63'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	19.50'	71°19'16"	24.27'
C2	2.50'	100°44'47"	4.40'
C3	2.50'	100°09'51"	4.37'
C4	19.50'	72°49'51"	24.79'
C5	19.50'	30°51'33"	10.50'
C6	2.50'	108°24'07"	4.73'
C7	19.50'	44°24'21"	15.11'
C8	2.50'	112°58'28"	4.93'
C9	41.50'	47°50'47"	34.66'
C10	197.00'	12°31'03"	43.04'
C11	169.50'	8°01'13"	23.73'
C12	113.00'	10°10'04"	20.05'
C13	2.50'	90°00'00"	3.93'

DETAIL
SCALE 1"=5'

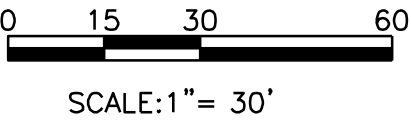


TRACT MAP 10455

1992 TAROB COURT
FOR 53 RESIDENTIAL CONDOMINIUM UNITS
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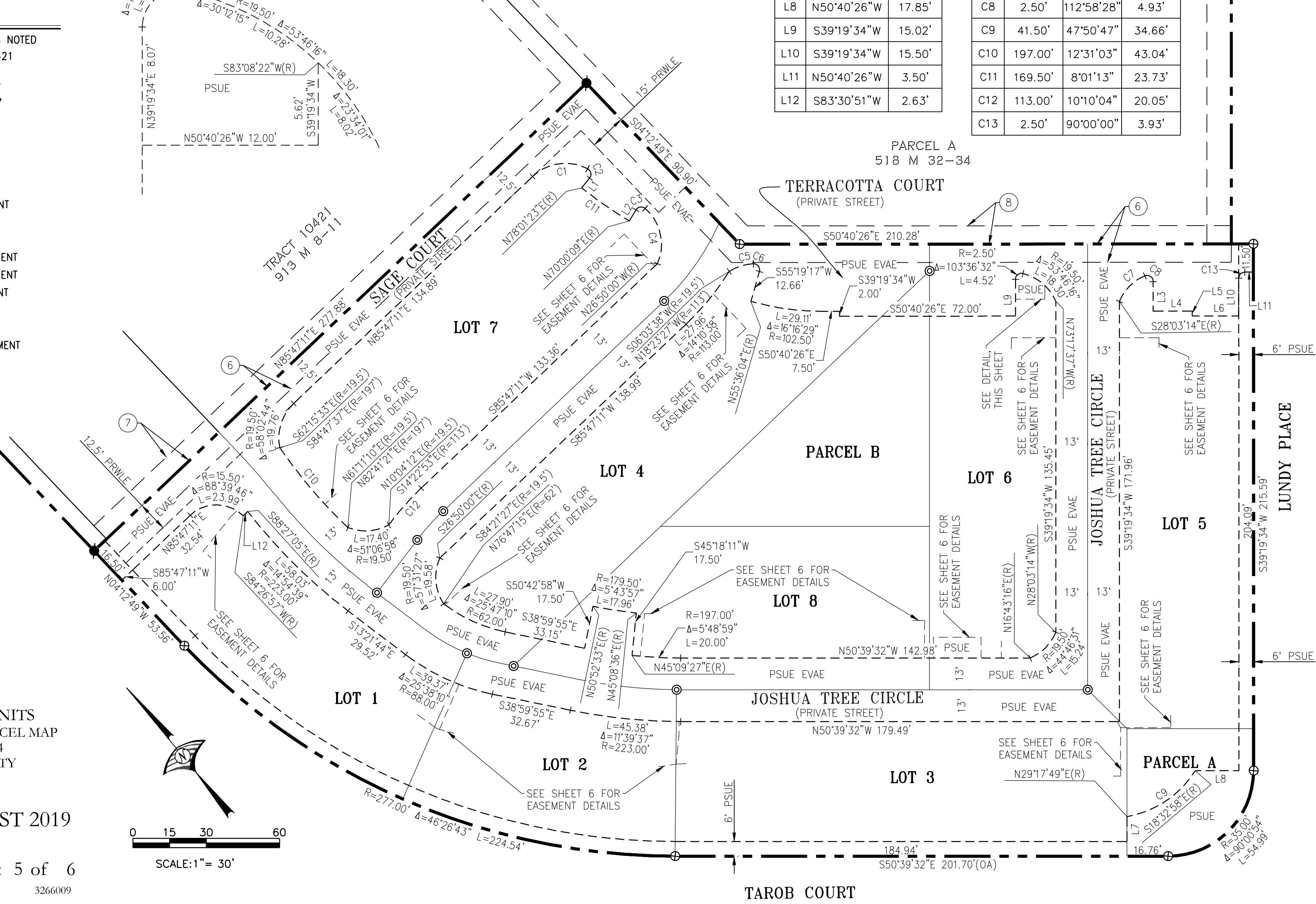
AUGUST 2019

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BASIS OF BEARINGS

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LEGEND

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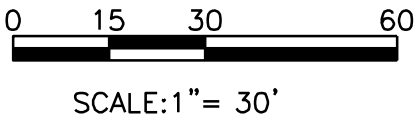


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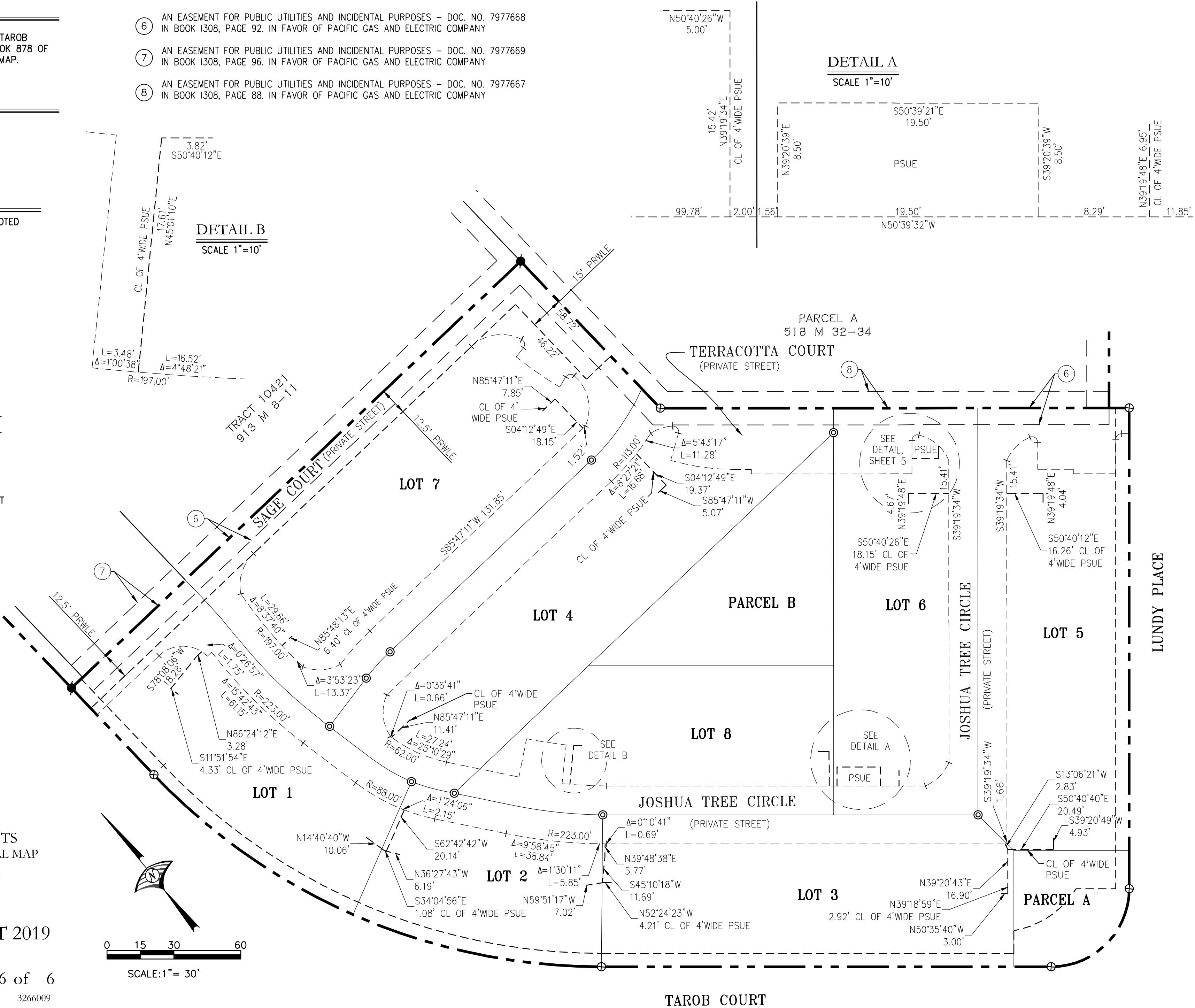
AUGUST 2019

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3266009



- ⑥ AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES - DOC. NO. 7977668
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IN BOOK 1308, PAGE 96. IN FAVOR OF PACIFIC GAS AND ELECTRIC COMPANY
- ⑧ AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES - DOC. NO. 7977667
IN BOOK 1308, PAGE 88. IN FAVOR OF PACIFIC GAS AND ELECTRIC COMPANY



DETAIL B
SCALE 1"=10'

DETAIL A
SCALE 1"=10'

RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:

CITY OF MILPITAS
455 E. Calaveras Blvd
MILPITAS, CA 95035
ATTN: Kan Xu, PE

Exempt from recording fee, per Government Code
Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SUBDIVISION IMPROVEMENT AGREEMENT

TRACT NO. 10455

Between

CITY OF MILPITAS

a California municipal corporation

and

TOLL WEST COAST LLC

a Delaware limited liability company

**SUBDIVISION IMPROVEMENT AGREEMENT
TRACT MAP NO. 10455**

I. PARTIES AND DATE.

This Subdivision Improvement Agreement (“Agreement”) is entered into as of this ____ day of _____, _____ by and between the City of MILPITAS, a California municipal corporation (“City”) and TOLL WEST COAST LLC, a Delaware limited liability company with its principal office located at 6800 Koll Center Parkway #320, Pleasanton, CA 94566 (“Developer”). City and Developer are sometimes hereinafter individually referred to as “Party” and hereinafter collectively referred to as the “Parties.”

II. RECITALS.

A. On December 20, 2016, THE TRUE LIFE COMPANIES, LLC, a Delaware limited liability company (“Previous Developer”) submitted to City an application for approval of a vesting tentative tract map for real property located within City, a legal description of which is attached hereto as Exhibit “A” (“Property”). The tentative tract map was prepared on behalf of Previous Developer by Wood Rodgers, Inc., and is identified in City records as Vesting Tract Map No. 10455 (“Tract No. 10455”).

B. Previous Developer’s application for a vesting tentative tract map for Tract No. 10455 was deemed complete on August 9, 2017. On October 3, 2017, the MILPITAS CITY COUNCIL conditionally approved Previous Developer’s application for a vesting tentative tract map for Tract No. 10455.

C. Previous Developer has since transferred ownership of Property to Developer.

D. Developer has not completed all of the work or made all of the public improvements required by Title XI, Chapter 1, Section 7 of City’s municipal code, the Subdivision Map Act (Government Code sections 66410 et seq.) (“Map Act”), the conditions of approval for Tract No. 10455, or other ordinances, resolutions, or policies of City requiring construction of improvements in conjunction with the subdivision of land.

E. Pursuant to Title XI, Chapter 1, Section 17 of the City’s municipal code and the applicable provisions of the Map Act, Developer and City enter into this Agreement for the timely construction and completion of the public improvements and the furnishing of the security therefor, acceptable to the City Engineer and City Attorney, for Tract No. 10455.

F. Developer’s execution of this Agreement and the provision of the security are made in consideration of City’s approval of the final map for Tract No. 10455.

III. TERMS.

1.0 Effectiveness. This Agreement shall not be effective unless and until all four of the following conditions are satisfied: (a) Developer provides City with security of the type and in the amounts required by this Agreement; (b) Developer executes and records this Agreement in the Recorder's Office of the County of SANTA CLARA; (c) the City Council of the City ("City Council") approves the final map for Tract No. 10455 and (d) Developer records the final map for Tract No. 10455 in the Recorder's Office of the County of SANTA CLARA. If the above described conditions are not satisfied, this Agreement shall automatically terminate without need of further action by either City or Developer, and Developer may not thereafter record the final map for Tract No. 10455.

2.0 Public Improvements. Developer shall construct or have constructed at its own cost, expense, and liability all improvements required by City as part of the approval of Tract No. 10455, including, but not limited to, all grading, roads, paving, curbs and gutters, pathways, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities as shown in detail on the plans, profiles, and specifications which have been prepared by or on behalf of Developer for Tract Map No. 10455 ("Public Improvements"). The Public Improvements are more specifically described in Exhibit "B," which is attached hereto and incorporated herein by this reference and as shown on City approved Improvement Plan No. E-EN18-0056. Construction of the Public Improvements shall include any transitions and/or other incidental work deemed necessary for drainage or public safety. The Developer shall be responsible for the replacement, relocation, or removal of any component of any irrigation water system in conflict with the construction or installation of the Public Improvements. Such replacement, relocation, or removal shall be performed to the complete satisfaction of the City Engineer and the owner of such water system. Developer further promises and agrees to provide all equipment, tools, materials, labor, tests, design work, and engineering services necessary or required by City to fully and adequately complete the Public Improvements.

2.1 Prior Partial Construction of Public Improvements. Where construction of any Public Improvements has been partially completed prior to this Agreement, Developer agrees to complete such Public Improvements or assure their completion in accordance with this Agreement.

2.2 Permits; Notices; Utility Statements. Prior to commencing any work, Developer shall, at its sole cost, expense, and liability, obtain all necessary permits and licenses and give all necessary and incidental notices required for the lawful construction of the Public Improvements and performance of Developer's obligations under this Agreement. Developer shall conduct the work in full compliance with the regulations, rules, and other requirements contained in any permit or license issued to Developer. Prior to commencing any work, Developer shall file a written statement with the City Clerk and the City Engineer, signed by Developer and each utility which will provide utility service to the Property, attesting that Developer has made all deposits legally required by the utility for the extension and provision of utility service to the Property.

2.3 Pre-approval of Plans and Specifications. Developer is prohibited from commencing work on any Public Improvement until all plans and specifications for such Public

Improvement have been submitted to and approved by the City Engineer, or his or her designee. Approval by the City Engineer shall not relieve Developer from ensuring that all Public Improvements conform with all other requirements and standards set forth in this Agreement.

2.4 Quality of Work; Compliance With Laws and Codes. The construction plans and specifications for the Public Improvements shall be prepared in accordance with all applicable federal, state and local laws, ordinances, regulations, codes, standards, and other requirements. The Public Improvements shall be completed in accordance with all approved maps, plans, specifications, standard drawings, and special amendments thereto on file with City, as well as all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other requirements applicable at the time work is actually commenced.

2.5 Standard of Performance. Developer and its contractors, if any, shall perform all work required to construct the Public Improvements under this Agreement in a skillful and workmanlike manner, and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Developer represents and maintains that it or its contractors shall be skilled in the professional calling necessary to perform the work. Developer warrants that all of its employees and contractors shall have sufficient skill and experience to perform the work assigned to them, and that they shall have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the work, and that such licenses, permits, qualifications and approvals shall be maintained throughout the term of this Agreement.

2.6 Alterations to Improvements. The Public Improvements in Exhibit "B" and as shown on Improvement Plan No. E-EN18-0056 on file with the City are understood to be only a general designation of the work and improvements to be done, and not a binding description thereof. All work shall be done and improvements made and completed as shown on approved plans and specifications, and any subsequent alterations thereto. If during the course of construction and installation of the Public Improvements it is determined that the public interest requires alterations in the Public Improvements, Developer shall undertake such design and construction changes as may be reasonably required by City. Any and all alterations in the plans and specifications and the Public Improvements to be completed may be accomplished without giving prior notice thereof to Developer's surety for this Agreement.

3.0 Maintenance of Public Improvements and Landscaping. City shall not be responsible or liable for the maintenance or care of the Public Improvements until City approves and accepts them, as set forth in Section 11.0. City shall exercise no control over the Public Improvements until accepted by City. Any use by any person of the Public Improvements, or any portion thereof, shall be at the sole and exclusive risk of the Developer at all times prior to City's acceptance of the Public Improvements. Developer shall maintain all the Public Improvements in a state of good repair until they are completed by Developer and approved and accepted by City, and until the security for the performance of this Agreement is released. Maintenance shall include, but shall not be limited to, repair of pavement, curbs, gutters, sidewalks, signals, parkways, water mains, and sewers; maintaining all landscaping in a vigorous and thriving condition reasonably acceptable to City; removal of debris from sewers and storm drains; and sweeping, repairing, and maintaining in good and safe condition all streets and street improvements. It shall be Developer's responsibility to initiate all maintenance work, but if it shall

fail to do so, it shall promptly perform such maintenance work when notified to do so by City. If Developer fails to properly prosecute its maintenance obligation under this section, City may do all work necessary for such maintenance and the cost thereof shall be the responsibility of Developer and its surety under this Agreement. City shall not be responsible or liable for any damages or injury of any nature in any way related to or caused by the Public Improvements or their condition prior to acceptance.

4.0 Construction Schedule. Unless extended pursuant to this Section 4.1 of this Agreement, Developer shall fully and adequately complete or have completed the Public Improvements within one (1) year of the effective date of this Agreement, unless extended pursuant to Section 4.1.

4.1 Extensions. City may, in its sole and absolute discretion, provide Developer with additional time within which to complete the Public Improvements. It is understood that by providing the security required under Section 13.0 et seq. of this Agreement, Developer and its surety consent in advance to any extension of time as may be given by City to Developer, and waives any and all right to notice of such extension(s). Developer's acceptance of an extension of time granted by City shall constitute a waiver by Developer and its surety of all defense of laches, estoppel, statutes of limitations, and other limitations of action in any action or proceeding filed by City following the date on which the Public Improvements were to have been completed hereunder. In addition, as consideration for granting such extension to Developer, City reserves the right to review the provisions of this Agreement, including, but not limited to, the construction standards, the cost estimates established by City, and the sufficiency of the improvement security provided by Developer, and to require adjustments thereto when warranted according to City's reasonable discretion.

4.2 RESERVED

5.0 Grading. Developer agrees that any and all grading done or to be done in conjunction with construction of the Public Improvements or development of Tract No. 10455 shall conform to all federal, state, and local laws, ordinances, regulations, and other requirements, including City's grading regulations. In order to prevent damage to the Public Improvements by improper drainage or other hazards, the grading shall be completed in accordance with the time schedule for completion of the Public Improvements established by this Agreement, and prior to City's approval and acceptance of the Public Improvements and release of the Security as set forth in Sections 11.0 and 13.0 of this Agreement.

6.0 Utilities. Developer shall provide utility services, including water, power, gas, and telephone service to serve each parcel, lot, or unit of land within Tract No. 10455 in accordance with all applicable federal, state, and local laws, rules, and regulations, including, but not limited to, the regulations, schedules and fees of the utilities or agencies providing such services. Except for commercial or industrial properties, Developer shall also provide cable television facilities to serve each parcel, lot, or unit of land in accordance with all applicable federal, state, and local laws, rules, and regulations, including, but not limited to, the requirements of the cable company possessing a valid franchise with City to provide such service within City's jurisdictional limits. All utilities shall be installed underground.

7.0 Fees and Charges. Developer shall, at its sole cost, expense, and liability, pay all fees, charges, and taxes arising out of construction of the Public Improvements, including, but not limited to, all plan check, design review, engineering, inspection, and other service fees, and any impact or connection fees established by City ordinance, resolution, regulation, or policy, or as established by City relative to Tract No. 10455.

8.0 City Inspection of Public Improvements. Developer shall, at its sole cost, expense, and liability, and at all times during construction of the Public Improvements, maintain reasonable and safe facilities and provide safe access for inspection by City of the Public Improvements and areas where construction of the Public Improvements is occurring or will occur.

9.0 Default; Notice; Remedies.

9.1 Notice. If Developer neglects, refuses, or fails to fulfill or timely complete any obligation, term, or condition of this Agreement, or if City determines there is a violation of any federal, state, or local law, ordinance, regulation, code, standard, or other requirement, City may at any time thereafter declare Developer to be in default or violation of this Agreement and make written demand upon Developer or its surety, or both, to immediately remedy the default or violation ("Notice"). Developer shall substantially commence the work required to remedy the default or violation within thirty (30) days of the Notice. If the default or violation constitutes an immediate threat to the public health, safety, or welfare, City may provide the Notice verbally, and Developer shall substantially commence the required work within twenty-four (24) hours thereof. Immediately upon City's issuance of the Notice, Developer and its surety shall be liable to City for all costs of construction and installation of the Public Improvements and all other administrative costs expenses as provided for in Section 10.0 of this Agreement.

9.2 Failure to Remedy; City Action. If the work required to remedy the noticed default or violation is not diligently prosecuted to a completion acceptable to City within the time frame contained in the Notice, City may complete all remaining work, arrange for the completion of all remaining work, and/or conduct such remedial activity as in its sole and absolute discretion it believes is required to remedy the default or violation. All such work or remedial activity shall be at the sole and absolute cost, expense, and liability of Developer and its surety, without the necessity of giving any further notice to Developer or surety. City's right to take such actions shall in no way be limited by the fact that Developer or its surety may have constructed any, or none of the required or agreed upon Public Improvements at the time of City's demand for performance. In the event City elects to complete or arrange for completion of the remaining work and improvements, City may require all work by Developer or its surety to cease in order to allow adequate coordination by City. Notwithstanding the foregoing, if conditions precedent for reversion to acreage can be met and if the interests of City will not be prejudiced thereby, City may also process a reversion to acreage and thereafter recover from Developer or its surety the full cost and expense incurred.

9.3 Other Remedies. No action by City pursuant to Section 9.0 et seq. of this Agreement shall prohibit City from exercising any other right or pursuing any other legal or equitable remedy available under this Agreement or any federal, state, or local law. City may exercise its rights and remedies independently or cumulatively, and City may pursue inconsistent remedies. City may institute an action for damages, injunctive relief, or specific performance.

10.0 Administrative Costs. If Developer fails to construct and install all or any part of the Public Improvements within the time required by this Agreement, or if Developer fails to comply with any other obligation contained herein, Developer and its surety shall be jointly and severally liable to City for all administrative expenses, fees, and costs, including reasonable attorney's fees and costs, incurred in obtaining compliance with this Agreement or in processing any legal action or for any other remedies permitted by law.

11.0 Acceptance of Improvements; As-Built or Record Drawings. If the Public Improvements are properly completed by Developer and approved by the City Engineer, and if they comply with all applicable federal, state and local laws, ordinances, regulations, codes, standards, and other requirements, the City Council shall be authorized to accept the Public Improvements. The City Council may, in its sole and absolute discretion, accept fully completed portions of the Public Improvements prior to such time as all of the Public Improvements are complete, which shall not release or modify Developer's obligation to complete the remainder of the Public Improvements within the time required by this Agreement. Upon the total or partial acceptance of the Public Improvements by City, Developer shall file with the Recorder's Office of the County of SANTA CLARA a notice of completion for the accepted Public Improvements in accordance with California Civil Code section 3093, at which time the accepted Public Improvements shall become the sole and exclusive property of City without payment therefor. If Tract No. 10455 was approved and recorded as a single phase map, City shall not accept any one or more of the improvements until all of the Public Improvements are completed by Developer and approved by City. Issuance by City of occupancy permits for any buildings or structures located on the Property shall not be construed in any manner to constitute City's acceptance or approval of any Public Improvements. Notwithstanding the foregoing, City may not accept any Public Improvements unless and until Developer provides one (1) set of "as-built" or record drawings or plans to the City Engineer for all such Public Improvements. The drawings shall be certified and shall reflect the condition of the Public Improvements as constructed, with all changes incorporated therein.

12.0 Warranty and Guarantee. Developer hereby warrants and guarantees all Public Improvements against any defective work or labor done, or defective materials furnished in the performance of this Agreement, including the maintenance of all landscaping within the Property in a vigorous and thriving condition reasonably acceptable to City, for a period of one (1) year following completion of the work and acceptance by City ("Warranty"). During the Warranty, Developer shall repair, replace, or reconstruct any defective or otherwise unsatisfactory portion of the Public Improvements, in accordance with the current ordinances, resolutions, regulations, codes, standards, or other requirements of City, and to the approval of the City Engineer. All repairs, replacements, or reconstruction during the Warranty shall be at the sole cost, expense, and liability of Developer and its surety. As to any Public Improvements which have been repaired, replaced, or reconstructed during the Warranty, Developer and its surety hereby agree to extend the Warranty for an additional one (1) year period following City's acceptance of the repaired, replaced, or reconstructed Public Improvements. Nothing herein shall relieve Developer from any other liability it may have under federal, state, or local law to repair, replace, or reconstruct any Public Improvement following expiration of the Warranty or any extension thereof. Developer's warranty obligation under this section shall survive the expiration or termination of this Agreement.

13.0 Security; Surety Bonds. Prior to execution of this Agreement, Developer shall provide City with surety bonds in the amounts and under the terms set forth below (“Security”). The amount of the Security shall be based on the City Engineer’s approximation of the actual cost to construct the Public Improvements, including the replacement cost for all landscaping (“Estimated Costs”). If City determines, in its sole and absolute discretion, that the Estimated Costs have changed, Developer shall adjust the Security in the amount requested by City. Developer’s compliance with this provision (Section 13.0 et seq.) shall in no way limit or modify Developer’s indemnification obligation provided in Section 16.0 of this Agreement.

13.1 Performance Bond. To guarantee the faithful performance of the Public Improvements and all the provisions of this Agreement, to protect City if Developer is in default as set forth in Section 9.0 et seq. of this Agreement, and to secure Developer’s one-year guarantee and warranty of the Public Improvements, including the maintenance of all landscaping in a vigorous and thriving condition, Developer shall provide City a faithful performance bond in the amount of Four Hundred Sixty One Thousand Dollars (\$461,000), which sum shall be not less than one hundred percent (100%) of the Estimated Costs. The City Council may, in its sole and absolute discretion and upon recommendation of the City Engineer, partially release a portion or portions of the security provided under this section as the Public Improvements are accepted by City, provided that Developer is not in default on any provision of this Agreement or condition of approval for Tract No. 10455, and the total remaining security is not less than twenty-five percent (25%) of the Estimated Costs. All security provided under this section shall be released at the end of the Warranty period, or any extension thereof as provided in Section 12 of this Agreement, provided that Developer is not in default on any provision of this Agreement or condition of approval for Tract No. 10455.

13.2 Labor & Material Bond. To secure payment to the contractors, subcontractors, laborers, material men, and other persons furnishing labor, materials, or equipment for performance of the Public Improvements and this Agreement, Developer shall provide City a labor and materials bond in the amount of Four Hundred Sixty One Thousand Dollars (\$461,000), which sum shall not be less than one hundred percent (100%) of the Estimated Costs. The security provided under this section may be released by written authorization of the City Engineer after six (6) months from the date City accepts the final Public Improvements. The amount of such security shall be reduced by the total of all stop notice or mechanic’s lien claims of which City is aware, plus an amount equal to twenty percent (20%) of such claims for reimbursement of City’s anticipated administrative and legal expenses arising out of such claims.

13.3 Additional Requirements. The surety for any surety bonds provided as Security shall have a current A.M. Best’s rating of no less than A:VIII, shall be licensed to do business in California, and shall be satisfactory to City. As part of the obligation secured by the Security and in addition to the face amount of the Security, the Developer or its surety shall secure the costs and reasonable expenses and fees, including reasonable attorney’s fees and costs, incurred by City in enforcing the obligations of this Agreement. The Developer and its surety stipulate and agree that no change, extension of time, alteration, or addition to the terms of this Agreement, the Public Improvements, or the plans and specifications for the Public Improvements shall in any way affect its obligation on the Security.

13.4 Evidence and Incorporation of Security. Evidence of the Security shall be provided on the forms set forth in Exhibit "C," unless other forms are deemed acceptable by the City Engineer and the City Attorney, and when such forms are completed to the satisfaction of City, the forms and evidence of the Security shall be attached hereto as Exhibit "C" and incorporated herein by this reference.

14.0 Monument Security. Prior to City's execution of this Agreement, to guarantee payment to the engineer or surveyor for the setting of all subdivision boundaries, lot corners, and street centerline monuments for Tract No. 10455 in compliance with the applicable provisions of City's Municipal and/or Development Code ("Subdivision Monuments"), Developer shall deposit cash with City in the amount of Twelve Thousand Dollars (\$12,000), which sum shall not be less than one hundred percent (100%) of the costs of setting the Subdivision Monuments as determined by the City Engineer. Said cash deposit may be released by written authorization of the City Engineer after all required Subdivision Monuments are accepted by the City Engineer, City has received written acknowledgment of payment in full from the engineer or surveyor who set the Subdivision Monuments, and provided Developer is not in default of any provision of this Agreement or condition of approval for Tract No. 10455.

15.0 Lien. To secure the timely performance of Developer's obligations under this Agreement, including those obligations for which security has been provided pursuant to Sections 13 et seq. and 14 of this Agreement, Developer hereby creates in favor of City a lien against all portions of the Property not dedicated to City or some other governmental agency for a public purpose. As to Developer's default on those obligations for which security has been provided pursuant to Sections 13 et seq. and 14 of this Agreement, City shall first attempt to collect against such security prior to exercising its rights as a contract lienholder under this section.

16.0 Indemnification. Developer shall defend, indemnify, and hold harmless City, its elected officials, officers, employees, and agents from any and all actual or alleged claims, demands, causes of action, liability, loss, damage, or injury, to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of or incident to any acts, omissions, negligence, or willful misconduct of Developer, its personnel, employees, agents, or contractors in connection with or arising out of construction or maintenance of the Public Improvements, or performance of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys fees, and related costs or expenses, and the reimbursement of City, its elected officials, officers, employees, and/or agents for all legal expenses and costs incurred by each of them. This indemnification excludes only such portion of any claim, demand, cause of action, liability, loss, damage, penalty, fine, or injury, to property or persons, including wrongful death, which is caused solely and exclusively by the negligence or willful misconduct of Agency as determined by a court or administrative body of competent jurisdiction. Developer's obligation to indemnify shall survive the expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, officers, employees, or agents.

16.1 Public Works Determination. Developer has been alerted to the requirements of California Labor Code section 1770 et seq., including, without limitation S.B. 975, which require the payment of prevailing wage rates and the performance of other requirements if

it is determined that this Agreement constitutes a public works contract. It shall be the sole responsibility of Developer to determine whether to pay prevailing wages for any or all work required by this Agreement. As a material part of this Agreement, Developer agrees to assume all risk of liability arising from any decision not to pay prevailing wages for work required by this Agreement.

17.0 Insurance.

17.1 Types; Amounts. Developer shall procure and maintain, and shall require its contractors to procure and maintain, during construction of any Public Improvement pursuant to this Agreement, insurance of the types and in the amounts described below ("Required Insurance"). If any of the Required Insurance contains a general aggregate limit, such insurance shall apply separately to this Agreement or be no less than two times the specified occurrence limit.

17.1.1 General Liability. Developer and its contractors shall procure and maintain occurrence version general liability insurance, or equivalent form, with a combined single limit of not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage.

17.1.2 Business Automobile Liability. Developer and its contractors shall procure and maintain business automobile liability insurance, or equivalent form, with a combined single limit of not less than \$1,000,000 per occurrence. Such insurance shall include coverage for the ownership, operation, maintenance, use, loading, or unloading of any vehicle owned, leased, hired, or borrowed by the insured or for which the insured is responsible.

17.1.3 Workers' Compensation. Developer and its contractors shall procure and maintain workers' compensation insurance with limits as required by the Labor Code of the State of California and employers' liability insurance with limits of not less than \$1,000,000 per occurrence, at all times during which insured retains employees.

17.1.4 Professional Liability. For any consultant or other professional who will engineer or design the Public Improvements, liability insurance for errors and omissions with limits not less than \$1,000,000 per occurrence, shall be procured and maintained for a period of five (5) years following completion of the Public Improvements. Such insurance shall be endorsed to include contractual liability.

17.2 Deductibles. Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either: (a) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its elected officials, officers, employees, agents, and volunteers; or (b) Developer and its contractors shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigation costs, claims, and administrative and defense expenses.

17.3 Additional Insured; Separation of Insureds. The Required Insurance shall name City, its elected officials, officers, employees, agents, and volunteers as additional insureds

with respect to work performed by or on behalf of Developer or its contractors, including materials, parts, or equipment furnished in connection therewith. The Required Insurance shall contain standard separation of insureds provisions, and shall contain no special limitations on the scope of its protection to City, its elected officials, officers, employees, agents, and volunteers.

17.4 Primary Insurance; Waiver of Subrogation. The Required Insurance shall be primary with respect to any insurance or self-insurance programs covering City, its elected officials, officers, employees, agents, and volunteers. All policies for the Required Insurance shall provide that the insurance company waives all right of recovery by way of subrogation against City in connection with any damage or harm covered by such policy.

17.5 Certificates; Verification. Developer and its contractors shall furnish City with original certificates of insurance and endorsements effecting coverage for the Required Insurance. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements must be received and approved by City before work pursuant to this Agreement can begin. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

17.6 Term; Cancellation Notice. Developer and its contractors shall maintain the Required Insurance for the term of this Agreement and shall replace any certificate, policy, or endorsement which will expire prior to that date. All policies shall be endorsed to provide that the Required Insurance shall not be suspended, voided, reduced, canceled, or allowed to expire except on 30 days prior written notice to City.

17.7 Insurer Rating. Unless approved in writing by City, all Required Insurance shall be placed with insurers licensed to do business in the State of California and with a current A.M. Best rating of at least A:VIII.

18.0 Signs and Advertising. Developer understands and agrees to City's ordinances, regulations, and requirements governing signs and advertising structures. Developer hereby agrees with and consents to the removal by City of all signs or other advertising structures erected, placed, or situated in violation of any City ordinance, regulation, or other requirement. Removal shall be at the expense of Developer and its surety. Developer and its surety shall indemnify and hold City free and harmless from any claim or demand arising out of or incident to signs, advertising structures, or their removal.

19.0 Relationship Between the Parties. The Parties hereby mutually agree that neither this Agreement, any map related to Tract No. 10455, nor any other related entitlement, permit, or approval issued by City for the Property shall operate to create the relationship of partnership, joint venture, or agency between City and Developer. Developer's contractors and subcontractors are exclusively and solely under the control and dominion of Developer. Nothing herein shall be deemed to make Developer or its contractors an agent or contractor of City.

20.0 General Provisions.

20.1 Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority make this Agreement and bind each respective Party.

20.2 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this Agreement.

20.3 Construction; References; Captions. It being agreed the Parties or their agents have participated in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days, or period for performance shall be deemed calendar days and not work days. All references to Developer include all personnel, employees, agents, and subcontractors of Developer, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

20.4 Notices. All notices, demands, invoices, and written communications shall be in writing and delivered to the following addresses or such other addresses as the Parties may designate by written notice:

CITY:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 92236
Attn: Steve Erickson, PE

DEVELOPER:

Toll West Coast LLC
6800 Koll Center Pkwy #320
Pleasanton, CA 94566
Attn: Robert D. Moore

Depending upon the method of transmittal, notice shall be deemed received as follows: by facsimile, as of the date and time sent; by messenger, as of the date delivered; and by U.S. Mail first class postage prepaid, as of 72 hours after deposit in the U.S. Mail.

20.5 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

20.6 Waiver. City's failure to insist upon strict compliance with any provision of this Agreement or to exercise any right or privilege provided herein, or City's waiver of any breach of this Agreement, shall not relieve Developer of any of its obligations under this Agreement, whether of the same or similar type. The foregoing shall be true whether City's actions are intentional or unintentional. Developer agrees to waive, as a defense, counterclaim or set off, any and all defects, irregularities or deficiencies in the authorization, execution or performance of the Public Improvements or this Agreement, as well as the laws, rules, regulations, ordinances or resolutions of City with regards to the authorization, execution or performance of the Public Improvements or this Agreement.

20.7 Assignment or Transfer of Agreement. Developer shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without prior written consent of City. Any attempt to do so shall be null and void, and any assignee, hypothecatee, or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation, or transfer. Unless specifically stated to the contrary in City's written consent, any assignment, hypothecation, or transfer shall not release or discharge Developer from any duty or responsibility under this Agreement.

20.8 Binding Effect. Each and all of the covenants and conditions shall be binding on and shall inure to the benefit of the Parties, and their successors, heirs, personal representatives, or assigns. This section shall not be construed as an authorization for any Party to assign any right or obligation.

20.9 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

20.10 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

20.11 Consent to Jurisdiction and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of California. Any legal action or proceeding brought to interpret or enforce this Agreement, or which in any way arises out of the Parties' activities undertaken pursuant to this Agreement, shall be filed and prosecuted in the appropriate California State Court in the County of SANTA CLARA, California. Each Party waives the benefit of any provision of state or federal law providing for a change of venue to any other court or jurisdiction including, without limitation, a change of venue based on the fact that a governmental entity is a party to the action or proceeding, or that a federal right or question is involved or alleged to be involved in the action or proceeding. Without limiting the generality of the foregoing waiver, Developer expressly waives any right to have venue transferred pursuant to California Code of Civil Procedure Section 394.

20.12 Attorneys' Fees and Costs. If any arbitration, lawsuit, or other legal action or proceeding is brought by one Party against the other Party in connection with this Agreement or the Property, the prevailing party, whether by final judgment or arbitration award, shall be entitled to and recover from the other party all costs and expenses incurred by the prevailing party, including actual attorneys' fees ("Costs"). Any judgment, order, or award entered in such legal action or proceeding shall contain a specific provision providing for the recovery of Costs, which shall include, without limitation, attorneys' and experts' fees, costs and expenses incurred in the following: (a) post judgment motions and appeals, (b) contempt proceedings, (c) garnishment, levy, and debtor and third party examination, (d) discovery, and (e) bankruptcy litigation. This section shall survive the termination or expiration of this Agreement.

20.13 Counterparts. This Agreement may be executed in counterpart originals, which taken together, shall constitute one and the same instrument.

City of Milpitas,
a California municipal corporation

Toll West Coast LLC,
a Delaware limited liability company

By: _____

Name: Steve McHarris

Title: Interim City Manager

By: _____

Name: Robert D. Moore

Title: Group President

APPROVED AS TO FORM:

Christopher J. Diaz
City Attorney

APPROVED AS TO FORM:

Walter C. Rossmann
Finance Director

APPROVED AS TO SUFFICIENCY:

Steven Erickson
Engineering Director / City Engineer

NOTE: DEVELOPER'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO DEVELOPER'S BUSINESS ENTITY.

ALL CAPACITY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____
COUNTY OF _____

On _____ before me, _____
(Date) (Name and title of the officer)

personally appeared _____
(Name of person signing)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of officer

(Seal)

ALL CAPACITY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____

On _____ before me, _____
(Date) (Name and title of the officer)

personally appeared _____
(Name of person signing)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of officer

(Seal)

EXHIBIT “A”
LEGAL DESCRIPTION OF PROPERTY
TRACT NO. 10455

EXHIBIT “B”
LIST OF PUBLIC IMPROVEMENTS
TRACT NO. 10455

EXHIBIT "C"
SURETY BONDS AND OTHER SECURITY
TRACT NO. 10455

As evidence of understanding the provisions contained in this Agreement, and of the Developer's intent to comply with same, the Developer has submitted the below described security in the amounts required by this Agreement, and has affixed the appropriate signatures thereto:

PERFORMANCE BOND PRINCIPAL AMOUNT: \$461,000

Surety: _____
Attorney-in-fact: _____
Address: _____

MATERIAL AND LABOR BOND PRINCIPAL AMOUNT: \$461,000

Surety: _____
Attorney-in-fact: _____
Address: _____

CASH MONUMENT SECURITY: \$12,000

Amount deposited per Cash Receipt No. _____ Date: _____

BOND NO. _____
INITIAL PREMIUM: _____
SUBJECT TO RENEWAL

CITY OF MILPITAS
TRACT MAP NO. 10455 IMPROVEMENTS
SUBDIVISION IMPROVEMENT AGREEMENT - PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS the City of MILPITAS, California (“City”) and _____ (“Principal”), have executed an agreement for work consisting of, but not limited to, the furnishing all labor, materials, tools, equipment, services, and incidentals for all grading, roads, paving, curbs and gutters, pathways, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities for Tract Map No. 10455 (“Public Improvements”);

WHEREAS, the Public Improvements to be performed by Principal are more particularly set forth in that certain Subdivision Improvement Agreement dated _____, _____ (“Improvement Agreement”);

WHEREAS, the Improvement Agreement is hereby referred to and incorporated herein by reference; and

WHEREAS, Principal is required by the Improvement Agreement to provide a good and sufficient bond for performance of the Improvement Agreement, and to guarantee and warranty the Public Improvements constructed thereunder.

NOW, THEREFORE, Principal and _____ (“Surety”), a corporation organized and existing under the laws of the State of _____, and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto City in the sum of Four Hundred Sixty One Thousand Dollars (\$461,000), said sum being not less than one hundred percent (100%) of the total cost of the Public Improvements as set forth in the Improvement Agreement, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such, that if Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, agreements, guarantees, and warranties in the Improvement Agreement and any alteration thereof made as therein provided, to be kept and performed at the time and in the manner therein specified and in all respects according to their intent and meaning, and to indemnify and save harmless City, its officers, employees, and agents,

C-2

BBK:

as stipulated in the Improvement Agreement, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Improvement Agreement, or to any plans, profiles, and specifications related thereto, or to the Public Improvements to be constructed thereunder, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

This bond is executed and filed to comply with Section 66499 et seq. of the Government Code of California as security for performance of the Improvement Agreement and security for the one-year guarantee and warranty of the Public Improvements.

IN WITNESS WHEREOF, the seal and signature of the Principal is hereto affixed, and the corporate seal and the name of the Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at _____, this ____ day of _____, _____.

Principal

Surety

By: _____
President

By: _____
Attorney-in-Fact

(print name)

(print name)

(Attach Attorney-in-Fact Certificate)

The rate of premium on this bond is _____ per thousand. The total amount of premium charges is \$_____.

(The above must be filled in by corporate attorney.)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

(Name and Address of Surety)

(Name and Address of Agent or Representative for service of process in California, if different from above)

(Telephone number of Surety and Agent or Representative for service of process in California)

NOTE: APPROPRIATE NOTARIAL ACKNOWLEDGMENTS OF EXECUTION BY PRINCIPAL AND SURETY, AND A COPY OF THE POWER OF ATTORNEY TO LOCAL REPRESENTATIVES OF THE BONDING COMPANY MUST BE ATTACHED TO THIS BOND.

BOND NO. _____
INITIAL PREMIUM: _____
SUBJECT TO RENEWAL

CITY OF MILPITAS

TRACT MAP NO. 10455 IMPROVEMENTS

SUBDIVISION IMPROVEMENT AGREEMENT - LABOR AND MATERIAL BOND

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS the City of MILPITAS, California (“City”) and _____ (“Principal”), have executed an agreement for work consisting of, but not limited to, the furnishing all labor, materials, tools, equipment, services, and incidentals for all grading, roads, paving, curbs and gutters, pathways, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities for Tract Map No. 10455 (“Public Improvements”);

WHEREAS, the Public Improvements to be performed by Principal are more particularly set forth in that certain Subdivision Improvement Agreement dated _____, _____ (“Improvement Agreement”);

WHEREAS, the Improvement Agreement is hereby referred to and incorporated herein by reference; and

WHEREAS, Principal is required to furnish a bond in connection with the Improvement Agreement providing that if Principal or any of its subcontractors shall fail to pay for any materials, provisions, or other supplies, or terms used in, upon, for, or about the performance of the Public Improvements, or for any work or labor done thereon of any kind, or for amounts due under the provisions of Title 3 (commencing with section 9000) of Part 4 of Division 3 of the California Civil Code, with respect to such work or labor, that the Surety on this bond will pay the same together with a reasonable attorney’s fee in case suit is brought on the bond.

NOW, THEREFORE, Principal and _____ (“Surety”), a corporation organized and existing under the laws of the State of _____, and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto City and to any and all contactors, subcontractors, laborers, material suppliers and other persons, companies or corporations employed in the performance of the Improvement Agreement or otherwise furnishing materials, provisions, and other supplies used in, upon, for or about the performance of the Public Improvements, and all persons, companies or corporations renting or hiring teams, or implements or machinery, for or contributing to the Public Improvements to be done, and all persons performing work or labor upon the same and all persons supplying both work and materials as aforesaid excepting the Principal, the sum of Four Hundred

C-5

BBK:

Sixty One Thousand Dollars, (\$461,000), said sum being not less than 100% of the total cost of the Public Improvements under the terms of the Improvement Agreement, we bind ourselves, our heirs, executors and administrators, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal, his or its subcontractors, heirs, executors, administrators, successors, or assigns, shall fail to pay for any materials, provisions, or other supplies or machinery used in, upon, for or about the performance of the Public Improvements, or for work or labor thereon of any kind, or fail to pay any of the persons named in California Civil Code Section 9100, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and his subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such work and labor, and all other applicable laws of the State of California and rules and regulations of its agencies, then said Surety will pay the same in or to an amount not exceeding the sum specified herein.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Should the condition of this bond be fully performed, the this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

This bond is executed and filed to comply with Section 66499 et seq. of the California Government Code as security for payment to contractors, subcontractors, and persons furnishing labor, materials, or equipment for construction of the Public Improvements or performance of the Improvement Agreement. It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the California Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Improvement Agreement, or to any plans, profiles, and specifications related thereto, or to the Public Improvements to be constructed thereunder, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

IN WITNESS WHEREOF, the seal and signature of the Principal is hereto affixed, and the corporate seal and the name of the Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at _____, this _____ day of _____, _____.

Principal

Surety

By: _____

President

By: _____

Attorney-in-Fact

(print name)

(print name)

(Attach Attorney-in-Fact Certificate)

The rate of premium on this bond is _____ per thousand. The total amount of premium charges is \$_____.

(The above must be filled in by corporate attorney.)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

(Name and Address of Surety)

(Name and Address of Agent or Representative for service of process in California, if different from above)

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NOTE: APPROPRIATE NOTARIAL ACKNOWLEDGMENTS OF EXECUTION BY PRINCIPAL AND SURETY, AND A COPY OF THE POWER OF ATTORNEY TO LOCAL REPRESENTATIVES OF THE BONDING COMPANY MUST BE ATTACHED TO THIS BOND.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve Fiscal Year 2018-19 Year-End Budget Adjustments
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/3/2019
Staff Contact:	Walter C. Rossmann, 408-586-3111
Recommendation:	Approve the Fiscal Year 2018-19 year-end budget appropriations in the General Fund and Community Development Block Grant Fund

Background:

Finance staff is in the process of closing the City's accounts for Fiscal Year (FY) 2018-19 with a focus on expenditures. To maintain conformity with the City's budgeting policies and to prepare for the annual external financial audit, staff examined all expenditure accounts and identified three budget adjustments requiring Council approval. The City's budget policy requires that any additional appropriations to a department, capital improvement project's budget or re-appropriation of monies from one fund to another must be approved by the City Council.

Analysis:

The requested budget adjustments deemed to be necessary at year end FY 2017-18 include the following budget changes and authorizations which fall into the category of operations. They are also detailed in the attached Budget Change Form.

- 1. Increase General Fund revenue and expenditure appropriations for the Fire Department by \$561,396** for incurred overtime expenditures to respond to regional fires through the California Fire Service and Rescue Emergency Mutual Aid System. The source of funding for the budget appropriation is from reimbursements received from the State of California Office of Emergency Services (OES) and Federal Emergency Management Agency (FEMA). Therefore, staff recommends an increase to the revenue account for this reimbursement in the amount of \$561,396 to offset the expenditure adjustment.
- 2. Increase General Fund revenue and expenditure appropriations for the Office of the City Attorney by \$98,375 for expenditures related to the review of development projects.** The revenue received from Private Jobs will fully offset and cover the additional expenditure adjustment.
- 3. Increase Community Development Block Grant (CDBG) revenue and expenditure appropriations for the Finance Department by \$2,800 for expenditures related to the administration the CDBG funds.** There is enough CDBG revenue to cover the expenditure adjustment.

Policy Alternative(s):

Alternative 1: Not to approve Budget Appropriations

Pros: None

Cons: Will be out of compliance with Generally Accepted Accounting Principles.

Reason not recommended: By not approving these appropriation adjustments, the City's Comprehensive Annual Financial Report will not conform to Generally Accepted Accounting Principles, which may result in a qualified opinion from the City's external auditor and raise questions regarding the City's financial practices.

Fiscal Impact:

For Fire mutual aid overtime, \$561,396 in General Fund costs are offset by \$561,396 in realized and anticipated reimbursements. For City Attorney reimbursable expenditures, \$98,375 is requested costs are offset by \$98,375 in Developer revenue. For Finance reimbursable expenditures, \$2,800 is requested are offset by CDBG funds. Thus, there is no impact to the General Fund.

California Environmental Quality Act: Not applicable

Recommendation: Approve the Fiscal Year 2018-19 year-end budget appropriations in the General Fund

Attachment(s):

1. Budget Change Form

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one:	100-3568	\$532,381	100-812-4113	\$532,381
<input checked="" type="checkbox"/> Budget Appropriation	100-3568	\$29,015	100-812-4133	\$29,015
<input type="checkbox"/> Budget Transfer	100-3609	\$98,375	100-120-4238	\$98,375
	250-3559	\$2,800	250-300-4111	\$2,800

Approve the Fiscal Year 2018-19 year-end budget appropriations in the General Fund and Community Development Block Grant Fund.

Background:

Finance staff is in the process of closing the City's accounts for Fiscal Year (FY) 2018-19 with a focus on expenditures. To maintain conformity with the City's budgeting policies and to prepare for the annual external financial audit, staff examined all expenditure accounts and identified three budget adjustments requiring Council approval. The City's budget policy requires that any additional appropriations to a department, capital improvement project's budget or re-appropriation of monies from one fund to another must be approved by the City Council.

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- Increase General Fund revenue and expenditure appropriations for the Office of the City Attorney by \$98,375 for expenditures related to the review of development projects.** The revenue received from Private Jobs will fully offset and cover the additional expenditure adjustment.
- Increase Community Development Block Grant (CDBG) revenue and expenditure appropriations for the Finance Department by \$2,800 for expenditures related to the administration the CDBG funds. There is enough CDBG revenue to cover the expenditure adjustment.**

Policy Alternative(s):

Alternative 1: Not to approve Budget Appropriations

Pros: None

Cons: Will be out of compliance with Generally Accepted Accounting Principles.

Reason not recommended: By not approving these appropriation adjustments, the City's Comprehensive Annual Financial Report will not conform to Generally Accepted Accounting Principles, which may result in a qualified opinion from the City's external auditor and raise questions regarding the City's financial practices.

Fiscal Impact:

For Fire mutual aid overtime, \$561,396 in General Fund costs are offset by \$561,396 in realized and anticipated reimbursements. For City Attorney reimbursable expenditures, \$98,375 is requested costs are offset by \$98,375 in Developer revenue. For Finance reimbursable expenditures, \$2,800 is requested are offset by CDBG funds. Thus, there is no impact to the General Fund.

California Environmental Quality Act: Not applicable


Recommendation: Approve the Fiscal Year 2018-19 year-end budget appropriations in the General Fund

Attachment(s):

1. Budget Change Form

☒ Check if City Council Approval required.

Meeting Date: September 03, 2019

Requested by:	Department Head: Walter C. Rossmann	Date: September 03, 2019
Reviewed by:	Finance Director: Walter C. Rossmann 	Date: September 03, 2019
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

Form 30-222 (Rev. 1/92)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve Conceptual Plan for Sandalwood Park Renovation, Project No. 5110
Category:	Consent Calendar-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Michael Silveira, 408-586-3303
Recommendation:	Approve Conceptual Plan for Sandalwood Park Renovation, Project No. 5110

BACKGROUND:

Sandalwood Park is approximately four acres and located at the northeast corner of Escuela Parkway and Sandalwood Court/Lane intersection. The neighborhood park was originally constructed in 1978 with subsequent renovation completed in 1988. The park is in need of renovation to replace aging infrastructure and update vehicle and pedestrian access and playground equipment for compliance with current regulations and laws.

The Sandalwood Park Renovation, Project No. 5110, is included in the approved 2019-2024 Capital Improvement Program and provides for installation of new restroom building and the renovation of park amenities including picnic and playground areas, pathways, landscape and irrigation, multi-sport court, and lighting.

ANALYSIS:

City staff conducted a community workshop to review proposed park design concepts on January 17, 2019, and 15 community members attended. On March 18, 2019, a second community workshop was held to review a refined concept plan based on input received from the first workshop, and 12 community members attended this second workshop.

On August 5, 2019, the Parks, Recreation and Cultural Resource Commission (PRCRC) reviewed the final concept plan revised from comments received during the two workshops. The PRCRC recommended the final concept plan be presented to the City Council for approval.

Staff recommends the City Council approve the final concept plan which will allow for the completion of project design and construction documents for public bidding. Staff anticipates completion of the project design and bidding to occur spring 2020. The construction phase is anticipated to start in summer 2020 and require one year to complete.

POLICY ALTERNATIVE:

Alternative 1: Deny approval of the conceptual plan.

Pros: None

Cons: Not approving the conceptual plan will delay completion of the project design and construction of renovation improvements for the park.

Reason for not recommending: Sandalwood Park is a moderately used neighborhood park that is in need of renovation to replace worn-out park features, improve accessibility, and provide modern enhancements to the park. Staff recommends approval of the concept plan to allow the project to remain on schedule.

FISCAL IMPACT:

Sufficient funds are available to complete the design phase and advertise the project for bid proposals. Annual maintenance of the new park improvements is estimated at \$5,000, and the Public Works Department parks maintenance budget is recommended to be increased accordingly during the next budget cycle.

Uncommitted Project fund balance as of July 2019:

Project No. 5110 – Sandalwood Park Renovation	\$2,080,000
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Estimated Construction Cost:

Engineer Construction Estimate	\$1,725,000
10% Construction Contingency	\$175,000
Administration	\$110,000
Inspection	\$40,000
Total	\$2,075,000

California Environmental Quality Act (CEQA):

The project includes the replacement of existing aging recreational facilities and improve pedestrian access to meet current City standards requirements. Planning Department determined the project qualifies for CEQA Categorical exemptions Section 15302, 15303.

Recommendation:

Approve the project conceptual plan for Sandalwood Park Renovation, Project No. 5110.

Attachment: Conceptual Design Plan



LEGEND

- 1 Park Entrance
- 2 New 9' Asphalt Path
- 3 Bike Rack - 7 Capacity
- 4 Restroom w/ Drinking Fountain
- 5 Pole Light (4)
- 6 Drinking Fountain
- 7 Park Bench (9)
- 8 Half Multi-Sport Court (Basketball Hoop w/ Soccer Goal) at Existing Horseshoe Pit
- 9 New Picnic Table on Concrete Pad (1)
- 10 Picnic table (2)
- 11 ADA picnic table w/ BBQ (3)
- 12 Playground w/ rubber surfacing, 2-5 & 5-12 designated play equipment
- 13 Music play
- 14 Ornamental iron fence with (3) gates
- 15 (2) picnic tables + Double BBQ, (2) Shade structures - **Add. Alternate**
- 16 Fitness stations (3), Healthbeat by Landscape Structures - **Add. Alternate**
- 17 New flowering tree w/ understory plantings at playground (7)
- 18 New columnar tree along pathway (8)
- 19 New tree to match existing (3)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Award the Bid and Authorize the City Manager to Execute the Agreement with 2Meart.com for Citywide Clothing, Jackets, and Caps for the Five-Year Not-To-Exceed Contract Amount of \$205,250.00 subject to annual appropriations.
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2019
Staff Contact:	Chris Schroeder, 408-586-3161
Recommendation:	Award the bid and authorize the City Manager to execute the agreement with 2Meart.com for Citywide Clothing, Jackets, and Caps for the Five-Year contract amount not to exceed \$205,250 subject to annual appropriations.

Background:

The City of Milpitas, as part of its memorandum of understanding (MOU) with the Milpitas Employees Association (MEA), supplies a defined number of soft goods to Public Works and Finance employees to augment their City-provided uniforms, which are currently supplied by the City's uniform vendor, UniFirst. Over the last five years, the Recreation and Community Services Department has also used the City's contract for Citywide Clothing, Jackets, and Caps to provide uniforms for various staff members including afterschool program staff, Milpitas Sports Center staff, and lifeguards.

On June 6, 2019, the City of Milpitas issued an Invitation for Bid for Citywide Clothing, Jackets, and Caps. The services outlined in IFB No. 2339 included t-shirts, polo shirts, sweatshirts, reflective safety jackets, soft shell jackets, sun hats, ball caps, and other soft goods. Additionally, the City requested an online ordering portal as well as order limits to be enforced by the successful bidder to lessen the administrative burden on staff for preparing, confirming and distributing

Analysis:

The bid was publicly advertised on the City's website, on PublicPurchase.com and ProcureNow.com, the City's eProcurement website. Bid notifications were sent to 404 vendors with 11 interested vendors downloading the bid documents. Two firms submitted bids in response to the IFB and one bid (2Meart) was accepted as meeting the specifications listed in the IFB. 2Meart provided the lowest-cost, responsive and responsible bid and is recommended for the award of IFB No. 2339. The City's Public Works Department desired the successful bidder to offer online ordering to remove the administrative burden of tracking orders individually. Only 2Meart offered to do so in their bid. Additionally, 2Meart will bundle each employee's order for ease of distribution to staff.

As the new vendor for Citywide clothing, jackets and caps, 2Meart will be providing various t-shirts, polo shirts, winter jackets, ball caps, light jackets and other soft goods for MEA members and the Recreation and Community Services Department. As part of this agreement, City logos will be imprinted or embroidered on all goods as well, making City staff easily identifiable to members of the public.

Procuring these soft goods for staff for daily operations and occasional special events will easily identify City of Milpitas employees to the public.

Policy Alternative:

Alternative 1: City Council does not award the Bid.

Pros: The City does not spend funds on Citywide clothing, jackets and caps.

Cons: The City will not provide required clothing for the MEA members as required in the MOU and Recreation and Community Services staff will not have City branded clothing for its employees.

Reason not recommended: The clothing provided to the MEA members are required by MOU. Additionally, clothing for Recreation Services staff clearly identifies its employees to members of the public (e.g. lifeguards, after-school program employees, etc.)

Fiscal Impact:

The Public Works Department will spend up to \$29,800, the Recreation and Community Services Department will spend up to \$11,250, and the Finance Department will spend up to \$1,000 each fiscal year for clothing, jackets and caps. This will amount to a total of up to \$205,250 over the 5-year term of the contract, subject to the annual appropriation of funds.

There are sufficient funds in the FY 2019-20 operating budgets for the Public Works Department, the Recreation and Community Services and the Finance Departments for this agreement. Expenditures for subsequent contract years are subject to annual appropriations.

California Environmental Quality Act:

Not applicable.

Recommendation:

Award the bid and authorize the City Manager to execute the agreement with 2Meart for Citywide Clothing, Jackets, and Caps for the five-year amount not to exceed \$205,250 subject to annual appropriations.

Attachment:

General Services Agreement with 2Meart for Citywide Clothing, Jackets and Caps

CITY OF MILPITAS
AGREEMENT FOR CITYWIDE CLOTHING, JACKETS, AND CAPS SERVICES

1. PARTIES AND DATE.

This Agreement for Citywide Clothing, Jackets, and Caps Services (“Agreement”) _____ day of _____, 2019 by and between the City of Milpitas, a municipal corporation organized under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 (“City”) and **Sean Twomey DBA 2Meart.com**, a sole proprietorship with its principal place of business at **3895 Avalon Street Tracy, CA 95377** (“Contractor”). City and Contractor are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain Citywide Clothing, Jackets, and Caps services required by City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing Citywide Clothing, Jackets, and Caps services to public clients, is licensed in the State of California, and is familiar with the plans of City.

2.2 Project.

City desires to engage Contractor to render such services for the **Contract 2339 - Citywide Clothing, Jackets, and Caps** project (“Project”) as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the services and advice on various issues affecting the decisions of City regarding the Project and on other programs and matters affecting City (“Services”). The Services are more particularly described in Exhibit “A” attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term.

The term of this Agreement shall be from **September 4, 2019** to **September 3, 2024**, unless earlier terminated as provided herein. The City reserves the right to review the Contractor’s

performance at the end of each year and cancel all or part of the Agreement. Responsibilities of Contractor.

3.1.3 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Contractor on an independent contractor basis and not as an employee of City. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of City and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.1.4 Schedule of Services. Contractor shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Contractor represents that it has the skilled personnel required to perform the Services in conformance with such conditions. In order to facilitate Contractor's conformance with the Schedule, City shall respond to Contractor's submittals in a timely manner. Upon request of City, Contractor shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.1.5 Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.

3.1.6 Substitution of Key Personnel. Contractor has represented to City that certain key personnel will perform and coordinate the Services under this Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence and experience upon written approval of City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. As discussed below, any personnel who fail or refuse to perform the Services in a manner acceptable to City, or who are determined by City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project or a threat to the safety of persons or property, shall be promptly removed from the Project by Contractor at the request of City. The key personnel for performance of this Agreement are as follows: **Sean Twomey**.

3.1.7 City's Representative. City hereby designates Tony Director of Public Works/Director of Recreation Services, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of City for all purposes under this Agreement. Contractor shall not accept direction or orders from any person other than City's Representative or his or her designee.

3.1.8 Contractor's Representative. Contractor hereby designates **Sean Twomey**, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of Contractor for all purposes under this Agreement. Contractor's Representative

shall supervise and direct the Services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.1.9 Coordination of Services. Contractor agrees to work closely with City staff in the performance of Services and shall be available to City's staff, contractors and other staff at all reasonable times.

3.1.10 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by contractors in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the calling necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including any required business license, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from City, any services necessary to correct errors or omissions which are caused by Contractor's failure to comply with the standard of care provided for herein, and shall be fully responsible to City for all damages and other liabilities provided for in the indemnification provisions of this Agreement arising from the Contractor's errors and omissions.. Any employee of Contractor or its subcontractors who is determined by City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to City, shall be promptly removed from the Project by Contractor and shall not be re-employed to perform any of the Services or to work on the Project.

3.1.11 Laws and Regulations. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to City, Contractor shall be solely responsible for all costs arising therefrom. Contractor shall defend, indemnify and hold City, its officials, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.1.12 Insurance. Contractor shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit "D" (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

3.1.13 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, Contractor shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall

exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and lifesaving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.2 Fees and Payments.

3.2.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Two Hundred Five Thousand Two Hundred Fifty Dollars and Zero Cents (\$205,250.00)** without written approval of the City Manager. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.2.2 Payment of Compensation. Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within forty-five (45) days of receiving such statement, review the statement and pay all approved charges thereon.

3.2.3 Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.

3.2.4 Extra Work. At any time during the term of this Agreement, City may request that Contractor perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from City's Representative.

3.2.5 California Labor Code Requirements

(a) Contractor is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Contractor and all subcontractors to comply with all California Labor Code provisions, which

include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

(b) If the Services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Contractor and all subcontractors performing such Services must be registered with the Department of Industrial Relations. Contractor shall maintain registration for the duration of the Project and require the same of any subcontractors, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

(c) This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Contractor’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor that affect Contractor’s performance of Services, including any delay, shall be Contractor’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Contractor caused delay and shall not be compensable by the City. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor.

3.3 Accounting Records.

3.3.1 Maintenance and Inspection. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred and fees charged under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.4 General Provisions.

3.4.1 Termination of Agreement.

(a) Grounds for Termination. City may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Contractor of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been fully and adequately rendered to City

through the effective date of the termination, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

(b) Effect of Termination. If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished Documents and Data, as defined below, and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

(c) Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.4.2 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

2Meart.com
3895 Avalon Street
Tracy, CA 95377
Attn: Sean Twomey

City:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035
Attn: Purchasing Agent

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.4.3 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.4.4 Attorneys' Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and all costs of such action.

3.4.5 Indemnification. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss,

damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged negligent acts, omissions or willful misconduct of Contractor, its officials, officers, employees, agents, subcontractors and subcontractors arising out of or in connection with the performance of the Services, the Project or this Agreement, including without limitation the payment of all consequential damages, attorneys' fees and other related costs and expenses. Contractor shall defend, at Contractor's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its officials, officers, employees, agents or volunteers. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. Contractor shall reimburse City and its officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs, including reasonable attorneys' fees, incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by City or its officials, officers, employees, agents or volunteers. This Section 3.5.5 shall survive any expiration or termination of this Agreement.

3.4.6 Entire Agreement This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be supplemented, amended or modified by a writing signed by both Parties.

3.4.7 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Yolo County.

3.4.8 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.4.9 City's Right to Employ Other Contractors. City reserves the right to employ other Contractors in connection with this Project.

3.4.10 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.4.11 Assignment or Transfer. Contractor shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.4.12 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of

reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

3.4.13 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.4.14 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.4.15 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.4.16 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.4.17 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.4.18 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Contractor shall also comply with all relevant provisions of any minority business enterprise program, affirmative action plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.4.19 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.4.20 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.4.21 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.4.22 Employment Adverse to City. Contractor shall notify City, and shall obtain City's written consent, prior to accepting work to assist with or participate in a third-party lawsuit or other legal or administrative proceeding against City during the term of this Agreement.

3.4.23 Conflict of Employment. Employment by Contractor of personnel currently on the payroll of City shall not be permitted in the performance of this Agreement, even though such employment may occur outside of the employee's regular working hours or on weekends, holidays or vacation time. Further, the employment by Contractor of personnel who have been on City's payroll within one year prior to the date of execution of this Agreement, where this employment is caused by and or dependent upon Contractor securing this or related Agreements with City, is prohibited.

3.4.24 Survival. All rights and obligations hereunder that by their nature are to continue after any expiration or termination of this Agreement, including, but not limited to, the indemnification and confidentiality obligations, and the obligations related to receipt of subpoenas or court orders, shall survive any such expiration or termination.

3.4.25 Subcontracting. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

3.4.26 Wage Theft Prevention

(a) Contractor, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

(b) BY SIGNING THIS AGREEMENT, CONTRACTOR AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONTRACTOR OR ITS SUBCONTRACTORS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONTRACTOR FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONTRACTOR AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONTRACTOR OR ITS SUBCONTRACTOR(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

(c) If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Contractor

or a subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or Contractor learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Contractor shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Contractor or its subcontractor(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Contractor or its subcontractor is subject to a payment or other alternative plan, the Contractor or its subcontractor shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

(d) For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

(e) Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

(f) Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

SIGNATURES ON FOLLOWING PAGE

**SIGNATURE PAGE FOR AGREEMENT
FOR CITYWIDE CLOTHING, JACKETS, AND CAPS SERVICES
BETWEEN THE CITY OF MILPITAS
AND SEAN TWOMEY DBA 2MEART.COM**

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:

Steve McHarris
Interim City Manager

Date

Approved As To Form:

Christopher J. Diaz
City Attorney

Approved As To Content:

Walter C. Rossmann
Director of Financial Services

Approved As To Scope:

Tony Ndah
Director of Public Works

SEAN TWOMEY DBA 2MEART.COM

Signature

Name

Title

Date

EXHIBIT "A"
SCOPE OF SERVICES

SCOPE OF WORK

Contractor shall provide for purchase an assortment of clothing including jackets, caps, T-shirts and sweatshirts. All of the aforementioned clothing items must be either silk-screened with the City logo or embroidered. The specified clothing, provided by the listed manufacturers have been tested and used to meet the particular clothing needs of these staff. As such, no substitutions are permitted. The following clothing manufacturers have been approved for this agreement:

- Hanes
- Port & Co
- Ultra Club
- Fruit of the Loom
- Dorfman Pacific
- Yupoong
- Richardson
- Carhartt

Specific items detailed in Exhibit "C" represent the expected initial items, product number, color, size and quantities. However, City may issues changes to these garments in terms of color, size and quantity changes during the contract term. Additional items may be required throughout the contract year for new employees or otherwise.

Contractor shall bundle orders by individual name for ease of distribution to each employee with their complete order.

Imprinting of the City logo shall be as follows:

Year 1: All items to be embroidered with City seal (gold thread on black items, royal blue thread on grey items).

Beginning in Year 2 for the duration of this agreement: T-shirts and sweatshirts are to have the City seal screen printed on the left chest. All other items are to be embroidered (hats, polo shirts, jackets). ANSI 2 Lime long- and short-sleeve (dri-fit/lightweight wicking polyester) T-shirts with chest pocket. City seal to be screen printed on chest (small) and on back between reflective stripes (large).

Items requiring either a silk-screened or embroider logo are indicated in the Exhibit "C." The City will only pay for set-up fee(s), if any, once during the five-year contract term.

QUALITY CONTROL

The selected vendor shall assure that the garments furnished from this solicitation are authentically produced by the manufacturers specified. Furthermore, the selected vendor shall assure that all items furnished will be free from defect in material workmanship and damage. Manufacturer warranties shall be provided.

USE OF CITY LOGO

The selected vendor will be provided reproduction quality graphics for silk-screening and embroidery of the City standard logo. The silk-screening ink color shall be: PMS 281C. The embroidery thread color shall be: Madeira USA 1843 Blue. Under no circumstances shall the City logo be used for any other purposes, except those stipulated in this IFB and the contract to be awarded thereafter. A proof of the City logo shall be provided by the selected vendor to the City's project manager for written approval prior to applying to any garments ordered.

ONLINE ORDER PORTAL

Contractor shall provide an online portal for staff ordering. Contractor is responsible for alerting individuals if an item is back ordered or unavailable. Contractor can offer an acceptable alternate to staff as long as it meets same standards as the original brands defined above. Contractor will be provided with information regarding staff limits on ordering by the City's Project Manager(s) and Contractor shall be responsible for implementing these limited on a per employee basis.

EXHIBIT "B"
SCHEDULE OF SERVICES

The primary period for staff uniform orders is July 1 through August 1, but portal should be reopened on a quarterly basis to allow new hires to place orders.

Bundled orders shall be delivered as soon as possible in the first year of the agreement and no later than the first Wednesday in September beginning in calendar year 2020. For items ordered off cycle, delivery should commence within eight (8) weeks of closure of order period.

EXHIBIT "C"
COMPENSATION

PUBLIC WORKS ITEM PRICING

Description	Estimated Annual Quantity	Unit	Unit Cost
Haynes T- w/pocket, charcoal grey/w, navy blue, silk-screened City logo; #35190 Hanes Beefy, 6.1 oz, 100% cotton	275	each	\$6.55
Port & Co. Long Sleeve T w/pocket, charcoal grey/w, navy blue, silk-screened City logo #PC61LSP	135	each	\$8.29
Carhartt Polo short sleeve T w/pocket. Charcoal grey/q, navy blue, embroidered City Logo; STYLE #K570	155	each	\$40.00
Ultra Club Beanie, long, charcoal grey/w, navy blue, embroidered City Logo; Knit/w cuff, #8130	75	each	\$10.00
Ultra Club Beanie, short, charcoal grey/w, navy blue, embroidered City Logo, K, #8131	41	each	\$10.00
Fruit of the Loom Crew neck sweatshirt, charcoal grey/w, navy blue, embroidered City Logo; #82300, 12 oz, 70% cotton/30% polyester	50	each	\$20.00
Fruit of the Loom Pullover hooded sweatshirt, charcoal grey/w, navy blue, embroidered City Logo; #82130, 12 oz, 70% cotton/30% polyester	75	each	\$30.00

Fruit of the Loom Full zip hooded sweatshirt, charcoal grey/w, navy blue, embroidered City Logo; #82230, 12 oz, 70% cotton/30% polyester	105	each	\$35.00
Carhatt Men's Duck Traditional Coat/Artic Quilt-lined Jackets; No Logo	15	each	\$150.00
Dorfman Pacific Brush Twill Safari Hat, S, M, L, XL, XXL; Kaki, #864M; No Logo	35	each	\$20.00
Yupoong Ball Cap, charcoal grey/w, navy blue, embroidered City Logo; S/M, cotton, low profile flexfit, #6377	20	each	\$15.00
Yupoong Ball Cap, charcoal grey/w, navy blue, embroidered City Logo; L/XL, cotton, low profile flexfit, #6377	75	each	\$15.00
Richardson Ball Cap, charcoal grey/w, navy blue, embroidered City Logo; M/L Pro #7, Model #514	70	each	\$13.00
Carhartt ANSI Class 3 Reflective Safety Jacket STYLE #100787	15	each	\$160.00
Carhartt ANSI Class 2 Short Sleeve T-Shirt Neon Lime STYLE #100495	30	each	\$30.00
Carhartt ANSI Class 3 Long Sleeve T-Shirt Neon Lime STYLE #100496	15	each	\$37.00
One-time Set-up Fee for Logos	lump sum		\$0.00
Shipping and Handling (if any)	lump sum		\$0.00

RECREATION SERVICES ITEM PRICING

Description	Estimated Annual Quantity	Unit	Unit Cost
Ultra Club Polo short sleeve T w/pocket. Charcoal grey/q, navy blue, embroidered City Logo; #8534 Classic Polo, 6.2 oz, 100% cotton pique	70	each	\$22.00
Haynes T- w/pocket, charcoal grey/w, navy blue, silk-screened City logo; #35190 Hanes Beefy, 6.1 oz, 100% cotton	720	each	\$7.50
Fruit of the Loom Pullover hooded sweatshirt, charcoal grey/w, navy blue, embroidered City Logo; #82130, 12 oz, 70% cotton/30% polyester	40	each	\$26.00
Port & Co. Long Sleeve T w/pocket, charcoal grey/w, navy blue, silk-screened City logo #PC61LSP	40	each	\$13.00
Hanes Sport Cool DRI Performance Polo Style # 4800	25	each	\$20.00
Hanes Sport Cool DRI Performance Polo Style # 480W	10	each	\$25.00
UltraClub Men's Soft Shell Jacket #8265	20	each	\$20.00
Richardson Wide Brim Sun Hat #810	70	each	\$15.00
Richardson Ball Cap, charcoal grey/w, navy blue, embroidered City Logo; M/L Pro #7, Model #514	40	each	\$15.00
Richardson Pro Mesh Visor #740	40	each	\$12.00
One-time Set-up Fee for Logos	lump sum 1		\$0.00
Shipping and Handling (if any)	lump sum		\$0.00

EXHIBIT "D"
INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. Those that have an "X" indicated in the space before the requirement apply to Contractor's or Consultant's Agreement.

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor's or Consultant's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

___ Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

X_ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

___ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

X Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 per accident for bodily injury and property damage.

___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 per accident for bodily injury and property damage.

___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

___ Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

___ (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

___ Insurance appropriate to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Contractor or Consultant makes the following certification, required by section 1861 of the California Labor Code:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

Contractor/Consultant Signature

Builder's Risk (Course of Construction):

___ Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

Contractor's or Consultant's Pollution Legal Liability:

___ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

X_ Additional Insured Status:

The insurance policies are to contain, or be endorsed to contain the following provision:

The City, its elected and appointed officials, officers, attorneys, agents, and employees are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor or Consultant or any subcontractors including materials, parts, or equipment furnished in connection with such work or operations, including completed operations. General liability coverage can be provided in the form of an endorsement to the Contractor's or Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).

The Additional Insured coverage under the Contractor's policy shall be "primary and non-contributory" and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

X_ Primary Coverage:

The insurance policies are to contain, or be endorsed to contain the following provision:

For any claims related to this contract, the Contractor's or Consultant's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees. Any insurance or self-insurance maintained by the City, its elected and

appointed officials, officers, attorneys, agents, and employees shall be in excess of the Contractor's or Consultant's insurance and shall not contribute with it.

Builder's Risk (Course of Construction Insurance) (applicable to Construction Contracts only)

Contractor or Consultant may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

X Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain, or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

X__ Waiver of Subrogation:

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions ("SIR"):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Authorize the Chief of Police to Execute the Grant Agreement with the Office of Traffic Safety to Accept the FY 2020 Office of Traffic Safety Selective Traffic Enforcement Program Grant and approve a budget appropriation in the amount of \$83,000
Category:	Consent Calendar-Public Safety
Meeting Date:	9/3/2019
Staff Contact:	Captain Jared Hernandez, 408-586-2406
Recommendation:	Adopt a Resolution to authorize the Chief of Police to execute the Grant Agreement with the Office of Traffic Safety to accept the FY 2020 Office of Traffic Safety Selective Traffic Enforcement Program Grant in the amount of \$83,000 and approve a budget appropriation in the amount of \$83,000 to the Police Department overtime budget.

Background:

The Office of Traffic Safety (OTS) is administering the Selective Traffic Enforcement Program 2020 (STEP) that offers grant funds from the California Office of Traffic Safety to reimburse law enforcement agencies for overtime expenditures specifically directed towards Traffic Safety Operations.

Best practice strategies will be conducted to reduce the number of persons killed and injured in traffic related collisions involving impaired and other primary collision factors. The funded strategies may include enforcement operations focusing on impaired driving, distracted driving, nighttime seatbelt use, motorcycle safety, and pedestrian and bicycle safety. Operations are conducted in areas with a disproportionate number of traffic collisions. Other funded strategies may include public education and training for law enforcement.

The City of Milpitas has been approved for a grant of \$83,000.00 to conduct driving under the influence (DUI) saturation patrols, DUI checkpoints, traffic enforcement operations, distracted driving enforcement, motorcycle safety, pedestrian and bicycle safety, public education, equipment, and training on an overtime basis in conjunction with STEP between October 1, 2019 and September 30, 2020.

Analysis:

The City of Milpitas is not required to accept the OTS STEP grant funding; however, traffic safety is a paramount concern in the City of Milpitas and this funding will help address traffic safety issues throughout the City. If accepted, the City of Milpitas must agree to utilize the funding for enforcement, public education, and/or training related to specific traffic safety issues on an overtime basis. Examples of specific issues include but are not limited to: DUI, distracted driving, seat belt violation, and pedestrian/bicycle safety. Enforcement and public education are important components to reducing collisions and saving lives. The spending period for this funding begins October 1, 2019 and concludes on September 30, 2020.

Policy Alternatives:

Alternative 1:

Do not accept the overtime reimbursement funding from the FY2020 OTS STEP Grant.

Pro: None

Con: The Milpitas Police Department would not be able to increase overtime enforcement, education, or training towards traffic safety.

Alternative 2:

Accept the overtime reimbursement funding from the FY 2020 OTS STEP Grant.

Pro: The Milpitas Police Department will expand enforcement, education, and training towards roadway safety.

Con: None.

Fiscal Impact:

The overtime expenditures will be reimbursed by the OTS STEP grant funding. This expense will not impact the Police Department's operating budget.

California Environmental Quality Act:

Not applicable

Recommendations:

- 1) Adopt a Resolution authorizing the Chief of Police to execute the Grant Agreement with the Office of Traffic Safety to accept the grant for the 2020 Selective Traffic Enforcement Program.
- 2) Approve a budget appropriation in the amount of \$83,000 into the Police Department overtime budget as a result of acceptance of the 2020 Selective Traffic Enforcement Program (STEP) Grant.

Attachments:

- a) Resolution
- b) OTS STEP Grant 2020 Agreement
- c) Budget Change Form

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE POLICE CHIEF TO EXECUTE THE AGREEMENT WITH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR THE 2020 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT

WHEREAS, California Office of Traffic Safety (OTS) is administering the 2020 Selective Traffic Enforcement Program (STEP) that offers grant funds from the California Office of Traffic Safety to reimburse law enforcement agencies for overtime expenditure specifically directed towards Traffic Safety Operations; and

WHEREAS, best practices strategies will be conducted to reduce the number of persons killed and injured in traffic collisions. The funded strategies may include enforcement operations focusing on impaired driving, distracted driving, night-time seat belt use, motorcycle safety, pedestrian safety & bicycle safety. Operations will be conducted in areas with disproportionate numbers of traffic collisions. Other funded strategies may include public awareness, educational programs, and training for law enforcement; and

WHEREAS, the City of Milpitas has been awarded an \$83,000.00 STEP Grant to conduct driving under the influence (DUI) saturation patrols, DUI checkpoints, traffic enforcement operations, distracted driving enforcement, motorcycle safety program, pedestrian and bicycle safety programs, public education, equipment purchases, and training on an overtime basis in conjunction with the STEP grant between October 1, 2019 and September 30, 2020; and

WHEREAS, there has been submitted to the City Council of the City of Milpitas a proposed Agreement to be entered into by and between the City of Milpitas and the California Office of Traffic Safety, a copy of which is attached hereto as **Exhibit A** and is made a part hereof.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council accepts the Agreement attached as **Exhibit A** and authorizes the Chief of Police to execute the Agreement for and on behalf of the City of Milpitas.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:


Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164 AL-20	20.608	0521-0890-101	2019	2019	BA/19	\$45,000.00
402PT-20	20.600	0521-0890-101	2019	2019	BA/19	\$38,000.00
				AGREEMENT TOTAL		\$83,000.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$83,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
				TOTAL AMOUNT ENCUMBERED TO DATE		\$83,000.00
OTS ACCOUNTING OFFICER'S SIGNATURE 			DATE SIGNED			

1. PROBLEM STATEMENT

Milpitas is located in northern Santa Clara County and is considered the “Crossroads of Silicon Valley.” Milpitas has become a primary commuter connection between Silicon Valley and the bedroom communities in the Central Valley. Highways I-680, I-880, State Route 237, and Montague Expressway, bring a tremendous amount of vehicular traffic through the city. The Santa Clara Valley Transportation Authority (VTA) currently operates a central hub at the Great Mall of Milpitas. Bay Area Rapid Transit (BART) station is expected to be operational in Milpitas in 2020, and it will draw people from throughout the bay area. The new BART station will be accompanied by a six-story parking garage and is projected to have 10,000 daily passengers at the onset. The current residential population of Milpitas has already exceeded 75,000 people. Although the city incorporates only 14.5 square miles and has 139 miles of surface streets, tens of thousands of vehicles travel through the city each day. The enormous amount of vehicular traffic creates congestion and safety challenges for the city. Besides being the crossroads for many drivers, Milpitas is also a destination for workers and consumers from various communities in the bay area. The corporate headquarters and satellite campuses of international companies are located in Milpitas, and some of the major employers include Cisco Systems, Flextronics International, Linear Technology, Kaiser Permanente, and KLA-Tenor. The day time population in Milpitas is estimated to be over 100,000 people. Milpitas is also the home of the Great Mall of the Bay Area, which is Northern California’s largest indoor outlet and shopping destination with more than 1.3 million square feet of retail floor space for more than 200 outlet & value stores and more than 32 dining options. The 11 anchor stores and businesses include Kohls, Dicks Sporting Goods, Bed Bath & Beyond, Neiman Marcus Last Call, Saks Fifth Avenue OFF 5th, Century Theaters, Burlington, and Dave and Buster’s. The Great Mall of the Bay Area attracts residents throughout Santa Clara County, neighboring Alameda County and throughout the Bay Area. The Milpitas Police Department continues to address traffic safety concerns and congestion. The major focus has been attempting to reduce the accident rate on the major arterial roadways. In 2017, there were approximately 740 reported collisions and over 268 hit & run reported collisions. The Milpitas Police Department investigated 24 DUI related collisions and 2 fatal traffic collisions during the same time frame. Of the fatal traffic collisions, one was DUI related and the other involved a pedestrian. The City of Milpitas has utilized three prior OTS STEP grants. The City of Milpitas could utilize continued funding in the effort to continue to reduce injury traffic collisions, DUI related injury collisions, fatal accidents, and PCF related violations. Reported traffic complaints, including school-related traffic issues, speeding vehicles, and pedestrian violations along our major thoroughfares and in our residential neighborhoods, are significant concerns of our community. Traffic complaints are routed through the Traffic Safety Unit (TSU), and the amount of complaints are a challenge to the unit, which is currently staffed with two (2) motorcycle officers and one (1) motorcycle Sergeant. The TSU previously included a Traffic Lieutenant, a Traffic Sergeant, a Commercial Enforcement Officer, two (2) DUI Enforcement Officers, eight (8) motorcycle officers and one (1) Traffic Investigator. The TSU is responsible for handling all traffic related incidents, with the primary focus of enforcement of traffic laws, and it handles a majority of the vehicle accidents; traffic related calls for service; and issues a majority of the citations. With best practices and focused enforcement plans designed through the Strategic Traffic Enforcement Program (STEP), the Milpitas Police Department would be more successful in addressing the problems associated with DUI drivers, red light runners, speeding vehicles, aggressive driving, and distracted driving, and it would enable an increased pedestrian & bicyclist safety program.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of pedestrians killed in traffic collisions.
4. Reduce the number of pedestrians injured in traffic collisions.
5. Reduce the number of bicyclists killed in traffic collisions.
6. Reduce the number of bicyclists injured in traffic collisions.
7. Reduce the number of persons killed in alcohol-involved collisions.
8. Reduce the number of persons injured in alcohol-involved collisions.
9. Reduce the number of persons killed in drug-involved collisions.
10. Reduce the number of persons injured in drug-involved collisions.
11. Reduce the number of persons killed in alcohol/drug combo-involved collisions.
12. Reduce the number of persons injured in alcohol/drug combo-involved collisions.
13. Reduce the number of motorcyclists killed in traffic collisions.

14. Reduce the number of motorcyclists injured in traffic collisions. 15. Reduce hit & run fatal collisions. 16. Reduce hit & run injury collisions. 17. Reduce nighttime (2100 - 0259 hours) fatal collisions. 18. Reduce nighttime (2100 - 0259 hours) injury collisions.	
B. Objectives: 1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	Target Number 1
2. Participate and report data (as required) in the following campaigns, National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization, National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization, NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	10
3. Develop (by December 31) and/or maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	2
5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	2
6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.	1
7. Send law enforcement personnel to the DRE Recertification training.	1
8. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	2
9. Conduct DUI Saturation Patrol operation(s).	20
10. Conduct Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.	14
11. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	7
12. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers.	3
13. Conduct Nighttime (1800-0559) Click It or Ticket enforcement operation(s).	2
14. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers.	3
15. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	3
3. METHOD OF PROCEDURE A. Phase 1 – Program Preparation (1st Quarter of Grant Year) <ul style="list-style-type: none"> The department will develop operational plans to implement the "best practice" strategies outlined in the objectives section. All training needed to implement the program should be conducted this quarter. 	

- All grant related purchases needed to implement the program should be made this quarter.
- In order to develop/maintain the “Hot Sheets,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high collision locations.

Media Requirements

- Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release.

B. Phase 2 – Program Operations (Throughout Grant Year)

The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Media Requirements

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
- If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
- If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
- Press releases reporting the immediate and time-valued results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

GRANT AGREEMENT

Schedule B

PT20082

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164 AL-20	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$45,000.00
402PT-20	20.600	State and Community Highway Safety	\$38,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
<u>Straight time</u>		
DUI/DL Checkpoint	20.608	\$22,000.00
DUI Saturation Patrol	20.608	\$18,000.00
Traffic Enforcement	20.600	\$12,670.00
Distracted Driving	20.600	\$6,300.00
Motorcycle Safety	20.600	\$2,700.00
Pedestrian/Bicycle Enforcement	20.600	\$3,300.00
<u>Overtime</u>		
Night-time Click It Or Ticket	20.600	\$1,800.00
Traffic Safety Education	20.600	\$0.00
Category Sub-Total		\$66,770.00
B. TRAVEL EXPENSES		
In State Travel	20.600	\$2,230.00
		\$0.00
Category Sub-Total		\$2,230.00
C. CONTRACTUAL SERVICES		
		\$0.00
Category Sub-Total		\$0.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
DUI Checkpoint Supplies	20.608	\$2,000.00
PAS Device/Calibration Supplies	20.608	\$3,000.00
Lidar Device	20.600	\$9,000.00
Category Sub-Total		\$14,000.00
F. INDIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
GRANT TOTAL		\$83,000.00

GRANT AGREEMENT

Schedule B-1

PT20082

BUDGET NARRATIVE	
PERSONNEL COSTS	QUANTITY
DUI/DL Checkpoint - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
DUI Saturation Patrol - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	20
Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	14
Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	7
Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	3
Night-time Click It Or Ticket - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
Pedestrian/Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	3
Traffic Safety Education - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.	3
TRAVEL EXPENSES	
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include (enter other known conferences or required events). All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES	
-	
EQUIPMENT	
-	
OTHER DIRECT COSTS	
DUI Checkpoint Supplies - DUI Checkpoint Supplies - on-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.	1
PAS Device/Calibration Supplies - PAS Device/Calibration Supplies - preliminary alcohol screening device to detect the presence of alcohol in a person's breath and calibration supplies to ensure accuracy. Costs may include mouth pieces, gas and accessories.	4
Lidar Device - Lidar Device – light detection and ranging device used to measure the speed of motor vehicles. This device will be used for speed enforcement.	2
INDIRECT COSTS	
-	

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STATEMENTS/DISCLAIMERS

Program Income default statement:

There will be no program income generated from this grant.

Enforcement Grant Quota Disclaimer:

Nothing in this “agreement” shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

CERTIFICATIONS AND ASSURANCES
HIGHWAY SAFETY GRANTS
(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high-risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding

recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200.
You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

LAW ENFORCEMENT AGENCIES

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines “racial profiling” as the “practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.” Then, subdivision (f) of that section goes on to provide, “A law enforcement officer shall not engage in racial profiling.”

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	267-3557	\$83,000	267-722-4113	\$83,000

Accept the 2020 Office of Traffic Safety (OTS) for the 2020 Selective Traffic Enforcement Program (STEP) in the amount of \$83,000.00.

Background:

The Office of Traffic Safety (OTS) is administering the Selective Traffic Enforcement Program 2020 (STEP) that offers grant funds from the California Office of Traffic Safety to reimburse law enforcement agencies for overtime expenditures specifically directed towards Traffic Safety Operations

Best practice strategies will be conducted to reduce the number of persons killed and injured in traffic related collisions involving impaired and other primary collision factors. The funded strategies may include enforcement operations focusing on impaired driving, distracted driving, nighttime seatbelt use, motorcycle safety, and pedestrian and bicycle safety. Operations are conducted in areas with a disproportionate number of traffic collisions. Other funded strategies may include public education and training for law enforcement.

The City of Milpitas has been approved for a grant of \$83,000.00 to conduct DUI saturation patrols, DUI checkpoints, Traffic enforcement operations, Distracted Driving enforcement, Motorcycle Safety, Pedestrian and Bicycle Safety, Public Education, Equipment, and Training on an overtime basis in conjunction with STEP between October 1, 2019 and September 30, 2020.

Analysis:

The City of Milpitas is not required to accept the OTS STEP grant funding however, traffic safety is a paramount concern in the City of Milpitas and this funding will help address traffic safety issues throughout the city. If accepted, the City of Milpitas must agree to utilize the funding for enforcement, public education, and/or training related to specific traffic safety issues on an overtime basis. Examples of specific issues include but are not limited to: DUI, distracted driving, seat belt violation, and pedestrian/bicycle safety. Enforcement and public education are important components to reducing collisions and saving lives. The spending period for this funding begins October 1, 2019 and concludes on September 30, 2020.

Policy Alternatives:

Alternative 1:

Do not accept the overtime reimbursement funding from the FY2020 OTS STEP Grant.

Pro: None

Con: The Milpitas Police Department would not be able to increase overtime enforcement, education, or training towards traffic safety.

Alternative 2:

Accept the overtime reimbursement funding from the FY2020 OTS STEP Grant.

Pro: The Milpitas Police Department will expand enforcement, education, and training towards roadway safety.

Con: None.

Fiscal Impact:

The overtime expenditures will be reimbursed by the OTS STEP grant funding. This expense will not impact the police departments operating budget.

California Environmental Quality Act: N/A

N/A

Recommendations:


1. Authorize the Chief of Police to execute the agreement with the Office of Traffic Safety (OTS) for the 2020 Selective Traffic Enforcement Program (STEP).
2. Approve a budget appropriation in the amount of \$83,000.00 to the Police Department overtime budget as a result of the 2020 Selective Traffic Enforcement Program (STEP).

Attachments:

- a) OTS STEP grant 2020 Agreement
- b) OTS STEP grant manual
- c) Budget change form

☒ **Check if City Council Approval required.**

Meeting Date: August 20, 2019

Requested by:	Department Head: Armando Corpuz	Date: September 03, 2019
Reviewed by:	Finance Director: Walter C. Rossmann 	Date: September 03, 2019
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

Form 30-222 (Rev. 1/92)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Mayor's Recommendation and move to appoint four current Alternate Members as Voting Commissioners and Re-appoint three members of the Milpitas Youth Advisory Commission (Contact: Mayor Tran, 408-586-3029)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/3/2019
Staff Contact:	Mayor Rich Tran, 408-586-3029
Recommendation:	Receive Mayor Tran's recommendation, and move to appoint four current Alternate Members (Saili Karkare, Yugam Satija, Fengyi Huang and Meghana Ambalathingal) as voting Commissioners and re-appoint three members (Ravit Sharma, Aruna Doreswamy, and Saniya Shrotriya) of the Milpitas Youth Advisory Commission to new terms that will expire in September of 2022.

Background: In 2018, City Council adopted a new Commissioner Handbook and in 2019, approved updated By-Laws for 11 City of Milpitas Commission including the Youth Advisory Commission. Those documents now allow for 7 voting Commissioners and 2 Alternate Members on all Commissions.

The Youth Advisory Commission previously had 9 Commissioners and 4 Alternates. Four recent members of the Commission graduated from high school (their terms expire this month) and two Commissioners had resigned in the past year. The new membership of the Commission shall consist of 7 Commissioners and 2 Alternates. That can be accomplished with the "move up" of the existing four alternate members joining the three existing Commissioners, for seven total.

The Mayor may recommend two new young persons from the community to serve as Alternates No. 1 and No. 2 in the future.

Mayor Tran recommends re-appointing Ravit Sharma, Aruna Doreswamy, and Saniya Shrotriya to new terms of three years.

Mayor Tran recommends appointing the existing four Alternate Members to be full voting members: Saili Karkare, Yugam Satija, Fengyi Huang and Meghana Ambalathingal to new terms of three years.

Recommendation:

Receive Mayor Tran's recommendation, and move four alternate members into positions as voting Commissioners and re-appoint three current Commissioners to new terms of three years each, so all of the terms will expire in September of 2022.

Attachment: current roster of Youth Advisory Commission and YAC By-Laws

YOUTH ADVISORY COMMISSION

(Meets 2nd Thursdays monthly, 7:00 p.m. at City Hall Committee Room)
No meeting held in July

Founded April 1996. The Youth Advisory Commission (YAC) was established to advise the Council on matters pertaining to youth and teens in Milpitas. Commissioners must be students in grades 7 through 12 and live in Milpitas. Seven members and two alternates are appointed to three-year terms.

Member	Office	Grade In School	E-Mail	Alt. Appt.	Comm. Appt.	Term Expires
Christie Maly		Grad		09-16-2014	10-06-2015	09-2019
Claudia Wang		Grad		09-16-2014	09-15-2014	09-2019
Andrew Dinh		Grad			06-05-2018	09-2019
Aavani Sree		Grad			06-05-2018	09-2019
Ravit Sharma		12 th		09-16-2014	06-05-2018	09-2019
Aruna Doreswamy		11 th			06-05-2018	09-2019
Saniya Shrotriya		11 th			06-05-2018	09-2019
<u>Alternate Members:</u>						
Saili Karkare	Alternate No. 1	11 th		06-05-2018		09-2019
Yugam Satija	Alternate No. 2	12 th		06-05-2018		09-2019
Fengyi Huang	Alternate No. 3	10 th		06-05-2018		09-2019
Meghana Ambalathingal	Alternate No. 4	11 th		06-05-2018		09-2019

Liaisons						
Council:	Councilmember Anthony Phan	586-3032		aphan@ci.milpitas.ca.gov		
Staff:	tbd	586-		@ci.milpitas.ca.gov		

CITY OF MILPITAS

COMMISSION BY-LAWS

Section 1. Purpose

A Commission serves as an active advisory group to the City Council on a variety of topics as directed by the City Council. These Commission By-Laws are applicable to all Commissions except for the Planning Commission, which is governed by the Municipal Code, Chapter 500. In addition to these By-Laws, each Commission shall have an addendum that is specific to the Commission and includes information about the Commission scope, member eligibility, and meeting frequency.

Section 2. Membership

A Commission is composed of seven (7) members and two (2) alternates appointed by the Mayor and approved by the City Council. All members and alternates shall be Milpitas residents, 18 years or older, unless otherwise noted in the Commission Bylaws Addendum. The City Council may appoint a Council liaison to serve on the Commission in a non-voting capacity.

Section 3. Term of Office & Removal

The term of office is three years, or until the seat is filled, for every Commission and is tied to specific seats, not actual Commission members or alternates. A Commission member or alternate is appointed for the term of the seat, which can be less than three years, based on the time of appointment. A Commission member can re-apply at the end of each term and is eligible to re-apply for a total of three full terms on any one Commission. No member shall serve more than three (3) consecutive terms on one Commission but is eligible to apply for other Commissions.

Members and alternates are expected to attend all meetings. When any member or alternate has three or more absences in a 12-month period, the City Clerk's Office shall forward this information to the City Council for review and possible removal of the member or alternate from the Commission. Any member or alternate of the Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting, with or without cause.

Members and alternates may apply for reappointment by submitting a letter or e-mail of interest to the Mayor with a copy to the City Clerk prior to the expiration of his/her term of office. Any member or alternate of the Commission who wishes to resign MUST submit a letter of resignation or email to the Mayor with a copy to the City Clerk. Resignations will be confirmed by the City Council at a regularly scheduled Council meeting.

Section 4. Vacancies

Vacancies will be filled for the unexpired portion of the term by the Mayor with the approval of the City Council.

Section 5. Officers

A Chair and Vice Chair will be selected annually at the first meeting of the calendar year from the appointed members for a term of one year. The Chair will call for meetings and preside over all sessions. In the absence of the Chair and Vice Chair, the member with longest continuous service on the Commission will preside.

Section 6. Meetings

Commissions shall hold regular meetings at a predetermined day, week, time and location. All meetings shall be open to the public. Should a scheduled meeting occur on a holiday, said meeting will be deferred to the same day of the following week or to a date agreed upon by a majority of the Commission. Special meetings may be called by majority vote, the Chair, Staff Liaison, or the City Council. No meetings will be held in the month of July. Notice of any special meeting shall be given as required by law. Except as otherwise provided by these Bylaws, the Commission shall follow the latest edition of Robert's Rules of Order for the orderly conduct of meetings.

Section 7. Quorum

Any FOUR (4) members, including alternates, shall constitute a quorum for the transaction of business.

Section 8. Voting and Seating of Alternates

Voting authority is extended to the SEVEN (7) regular members. An alternate member shall vote only if seated in the absence of a regular member. In the event that a regular member is absent, alternate members shall be seated in order of their alternate position. If a member arrives after an alternate has been seated, the alternate shall remain as the voting member until the end of the meeting.

Section 9. Duties of Commission to be Advisory Only

It is intended that the Commission shall be an advisory body to the City Council.

Section 10. Subcommittees

Other committees within the Commission will be subcommittees of the Commission. The Commission may appoint such subcommittees, with at least one Commission member on the subcommittee, but not more than three members so as not to constitute a quorum.

Section 11. Assistance of Staff

The City Manager of the City of Milpitas shall provide the Commission with such information and staff assistance as the Commission may from time to time request subject to the limitations imposed by the City Council. The staff member designated by the City Manager shall attend meetings of the Commission, meetings of the Commission subcommittee as necessary, and submit such reports as said Commission may request and as deemed necessary or desirable, subject to limitations imposed by the City Council. The role of the Staff Liaison on a Commission is defined and should be referred to in the City of Milpitas Commissioner Handbook.

Section 12. Amendments

These Bylaws are subject to change through amendments approved by the City Council.

PASSED AND ADOPTED APRIL 16, 2019.

Addendums:

- 1) Arts Commission
- 2) Community Advisory Commission
- 3) Economic Development and Trade Commission
- 4) Energy and Environmental Sustainability Commission
- 5) Library and Education Advisory Commission
- 6) Parks, Recreation and Cultural Resources Commission
- 7) Public Safety and Emergency Preparedness Commission
- 8) Senior Advisory Commission
- 9) Science, Technology, and Innovation Commission
- 10) Veterans Commission
- 11) Youth Advisory Commission

CITY OF MILPITAS
STANDARD COMMISSION
BYLAWS
Addendum: Youth Advisory Commission

The Youth Advisory Commission was established by City Council in April 1996.

Advisory Area

This Commission will advise the Council on matters pertaining to youth and teens in Milpitas.

Membership

All members and alternates shall be Milpitas resident students in grades 7-12.

Meetings

The Youth Advisory Commission shall hold meetings the 2nd Thursdays of every month, except July, at 7:00 PM at the Committee Conference Room in City Hall, or another designated location.

PASSED AND ADOPTED APRIL 16, 2019.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider and Appoint Councilmember Carmen Montano as a Regular Director and Appoint Deputy Public Works Director Elaine Marshall as Staff Alternate to the Board of Directors of Silicon Valley Clean Energy
Category:	Leadership and Support Services
Meeting Date:	9/3/2019
Staff Contact:	Ashwini Kantak, Assistant City Manager, (408) 586-3053
Recommendation:	Consider and appoint Councilmember Carmen Montano as a Regular Director and appoint Deputy Public Works Director Elaine Marshall as Staff Alternate to the Board of Directors of Silicon Valley Clean Energy.

Background

On October 17, 2017, the City Council voted to proceed with the steps required to join the Silicon Valley Clean Energy Authority (generally known as Silicon Valley Clean Energy or SVCE). SVCE sources carbon-free electricity, at a lower cost – allowing our communities to make large-scale reductions in emissions, while saving residents and businesses money at the same time.

SVCE maintains a full-time staff, and is governed by a public Board of Directors. The Board of Directors is comprised of Regular Director and an Alternate from each member community. The Regular Director must be from the governing body of each community, and the Alternate is also appointed by the respective governing body, but can be a member of the body itself, City staff or the public. Board of Directors meetings are held on second Wednesdays monthly at 7:00 pm at the Cupertino Community Hall, 10350 Torre Ave. in Cupertino.

Analysis

Traditionally, after a local election, the Mayor assigns City Councilmembers to both the City and outside agency bodies, with input on the Councilmembers' interests and availability. The current City Council assignments were placed and approved at the January 15, 2019 City Council meeting; however, due to scheduling conflicts, it has become necessary for the Mayor to reassign a Regular Director and one Staff Alternate to the SVCE Board of Directors to ensure attendance at the monthly Board meetings, provide oversight on all aspects of SVCE operations, and represent the City's interests.

Mayor Tran recommends Councilmember Carmen Montano to serve as the Regular Director and Deputy Public Works Director Elaine Marshall to serve as the Alternate Director. The Regular and Alternate Director shall serve at the pleasure of the City Council, until such a time where the City Council chooses to make changes to the regular and alternate Directors. The next SVCE Board of Director's meeting is scheduled for September 11, 2019.

Fiscal Impact

None

California Environmental Quality Act

By definition in CEQA Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation

Consider and appoint Councilmember Carmen Montano as a Regular Director and appoint Deputy Public Works Director Elaine Marshall as Staff Alternate to the Board of Directors of Silicon Valley Clean Energy.

Attachment

None



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize and Approve Travel to Long Beach, CA for four City Councilmembers along with Interim City Manager to Attend the Annual Conference of the League of California Cities held October 16-18, 2019
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/3/2019
Staff Contact:	Ashwini Kantak, 408-586-3053
Recommendation:	Authorize and approve travel to Long Beach, CA for four City Councilmembers along with Interim City Manager to attend the Annual Conference of the League of California Cities held October 16-18, 2019, for a combined total expense amount not to exceed budgeted Conferences/Meeting allocation for City Council and for City Manager's office.

Background:

City of Milpitas is a member city of the League of California Cities, based in Sacramento, CA. Each year, the League hosts its annual conference for local elected and appointed officials. This year, the conference will be held in Long Beach, CA from October 16 through 18, 2019. Four Milpitas elected officials plan to attend the conference this year along with Interim City Manager McHarris.

Conference registration fee is \$600 per attendee. Additional costs will include accommodations for a two-night hotel stay, meals, air travel, ground transportation, and any other related conference costs. Air transportation is estimated at \$400 per attendee. The total estimated cost for the five persons attending the conference is approximately \$11,250, and will be covered by budgeted amounts in the FY 2019-20 General Fund.

Analysis:

The City of Milpitas Travel and Expense Policy requires approval of travel for elected officials and select employees by City Council. If approved, this action would permit four City Councilmembers and the Interim City Manager McHarris to travel to Long Beach to garner additional knowledge from other elected officials and administrators and to share knowledge with each other and City staff. Continued participation and attendance in these types of conferences ensures that the Milpitas community is fully represented at the local, state and national levels.

Fiscal Impact:

The estimated cost per attendee for this travel is \$2,250. The conference registration fee is \$600.00 per person. Other expenses include hotel stay, meals, airfare and ground transportation. Sufficient funds are available in the individual Elected Official allocation of \$5,000 for Conferences/Meetings to pay for the travel expenses. Sufficient funds are available also in the City Manager's Office conference budget.

Recommendation:

Authorize and approve travel to Long Beach, CA for four City Councilmembers along with Interim City Manager to attend the Annual Conference of the League of California Cities held October 16-18, 2019 for a combined total expense amount not to exceed budgeted Conferences/Meeting allocation for City Council and for City Manager's office.

Attachments:

(1) Conference information and (2) Costs against available budget

[Home](#) > [Education & Events](#) > [Annual Conference](#) > [For Attendees](#) > General Information & Networking

[For Attendees](#)

[For Presenters](#)

[Conference App](#)

General Information

Conference Location

The 2019 Annual Conference will be held at the Long Beach Convention Center, located downtown at 300 East Ocean Boulevard. All sessions will be held at the convention center unless otherwise noted.

Parking and Public Transportation

In addition to the main parking lot along Shoreline Drive, the convention center has three parking garages, Terrace Theater, Arena, and Promenade. Convention center garages can be accessed from Linden Avenue. Parking rates are \$15.00 per car entry and special rates as posted at garage may apply during the conference (subject to change without notice).

Public transportation is easily accessible and includes the Metro Blue Line, Los Angeles County's light rail system, and the Passport, a free downtown shuttle, connecting the convention center with all local conference hotels, restaurants, and area attractions. The Passport operates daily, every 6 to 20 minutes.

Conference App

The League of California Cities mobile application is a great organization and conference tool. The app provides full access to the conference in the palm of your hand. You can see the schedule of events, build your own custom schedule, import your selected events into your calendar, access session materials, speaker bios, all exhibitor information, and the list goes on. The League's mobile app is available for download through your device's app store by searching "League of CA Cities", "League of California Cities" or "CACities"

[iTunes App Store](#)

[Google Play](#)

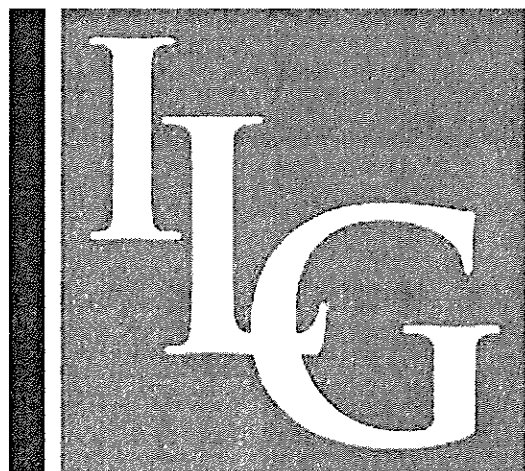
Brown Act and League Conferences

The Brown Act permits the attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body. However, a majority of

the members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the local agency's subject matter jurisdiction.

Helen Putnam Award for Excellence

This program, supported by the League Partners, recognizes outstanding cities that deliver the highest quality and level of service in the most effective manner possible. Visit the special displays by cities that won the 2019 prestigious awards program and learn what your city can adapt from their success. Displays can be found in the League Partner Village in the Expo Hall.



Institute for Local Government

The Institute for Local Government promotes good government at the local level with practical, impartial, and easy-to-use resources for California communities. Current program areas and resources to help local officials in service to their communities include local government basics, public engagement, sustainable communities and public service ethics. Please visit www.ca-ilg.org.

[Home](#) > [Education & Events](#) > [Annual Conference](#) > [For Attendees](#) > Tentative Schedule[For Attendees](#)[For Presenters](#)[Conference App](#)

Program at a Glance

As of May 23, 2019 (subject to change)

Wednesday, October 16

8:00 a.m. - 6:00 p.m.	Registration Open
8:30 a.m. - 1:00 p.m.	City Clerks Workshop (additional registration required)
9:00 - 11:00 a.m.	Policy Committees; AB 1234 Ethics Training
11:00 a.m. - 12:00 p.m.	Department Business Meetings
11:30 a.m. - 1:15 p.m.	Regional Division Lunches
12:45 - 1:15 p.m.	First Time Attendee Orientation
1:30 - 3:30 p.m.	Opening General Session
3:45 - 5:00 p.m.	Concurrent Sessions
5:00 - 7:00 p.m.	Grand Opening Expo Hall & Host City Reception (exhibitor exclusive; no competing events)
7:00 - 10:00 p.m.	CitiPAC Leadership Reception

Thursday, October 17

7:00 a.m. - 4:00 p.m.	Registration Open
8:15 - 9:30 a.m.	Concurrent Sessions
9:00 a.m. - 4:00 p.m.	Expo Open
9:45 - 11:45 a.m.	General Session
11:30 a.m. - 1:00 p.m.	Attendee Lunch in Expo Hall
1:00 - 2:15 p.m.	General Resolutions Committee
1:00 - 5:30 p.m.	Concurrent Sessions
2:15 - 2:45 p.m.	Diversity Caucus Board Meetings
4:00 - 5:30 p.m.	Board of Directors Meeting
Evening	Division and Caucus Events

Friday, October 18

- 7:30 a.m. - 12:00 p.m. Registration Open
- 7:30 - 9:15 a.m. Regional Division Breakfasts
- 8:00 a.m. - 12:15 p.m. Concurrent Sessions
- 8:45 - 10:45 a.m. AB 1661 Sexual Harassment Prevention Training
- 12:30 - 2:30 p.m. Closing Luncheon & General Assembly

NOTE: Conference Registration is required to attend all conference activities including Department and Division meetings and the General Assembly.

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[For Attendees](#)

[For Presenters](#)

[Conference App](#)

Educational sessions at the Annual Conference are offered in a variety of formats and include professional development focused on leadership skills and workable solutions. Targeting a broad audience, sessions concentrate on innovative, evidence-based, and discussion-provoking trends, tools and best practices. Connecting professional experience and collective understanding, these sessions aim to provide attendees the opportunity to gain practical skills and useful resources.

Concurrent Sessions

Where Transportation Technology and Funding Meet the Road

The revolution in transportation has already begun. Autonomous vehicles are currently being tested on our local streets and roads, auto manufacturers are aggressively pursuing all electric vehicle line-ups, the state has set the world's most ambitious greenhouse gas emissions reductions goals, and the way we pay for transportation infrastructure will need to adapt to these developments as they become reality. Come learn from local, state, and federal transportation experts what challenges cities will face and how best to prepare for changes already underway.

Carrots or Sticks? Housing & Land Use in Newsom's Budget

Governor Newsom revealed his 2019-20 budget proposal in January, which proposes \$1.75 billion in new funding that would be earmarked to address the state's affordable housing shortage. With the Governor taking a carrot-and-stick approach to encourage cities to meet their Regional Housing Needs Assessment (RHNA) production numbers, how quickly do California cities and their governments need to consider the impacts of the new legislation? Seasoned city managers from across the state will weigh in on local control and how cities can earn their carrots.

The Hidden Costs of Tackling Homelessness

Homelessness continues to be a big concern in California – both in rising numbers of people affected and in costs incurred by cities trying to address the issue. Sometimes, it seems the only way to comprehensively address homelessness is to spend large amounts of time and resources. But cities don't have to wrestle with this issue alone. In this session, experts deeply familiar with the topic will delve into strategic methods and related fiscal issues for tackling homelessness at the local level, and how to find willing partners who can help.

The Sixth Council Member: Social Media

It's easier than ever to pick up your phone and get digitally involved in the trials and tribulations of your neighbors. Vocal residents, especially, can point out otherwise unknown issues in your community. But what happens when you or a fellow council member want to start wandering into the fray? At what point does the Brown Act come into play? And how do you know whether naysayers are part of a majority or minority opinion? A panel of experts will help you navigate the pitfalls and provide some advice on engaging with your community on social media.

ABC's of Safety, Communications and Large Events

Hosting large events takes a multi-disciplinary approach. A dynamic, city leadership team for one of the large city events in Southern California, The Mission Inn Hotel & Spa Festival of Lights, has created a strong team approach in planning, executing and evaluating this large event. The safety of all who attend is the guiding principle. Come learn from our successes and failures so that you, too, can successfully plan exciting events that draw people from all over the state and world.

Death, Taxes and Other Unavoidables: A Municipal Finance Update

Join an information-packed update of the latest developments in all things concerning money for California cities. Hear about legal developments, new laws, proposals for reform and an explanation of the underlying issues of your agency's finances. Learn about the latest major developments in city revenues, spending and financing, including information on important changes, significant challenges, and new opportunities.

Achieving an Accurate Count in 2020: Best Practices for Cities

Achieving an accurate census count for California's cities, especially for our hard to survey populations, has never been more important. With an unprecedented investment of over \$140 million, cities, counties, and community organizations across the state are mounting a statewide outreach campaign. Ensure your city has an accurate count by learning best practices from the city of Long Beach, the Los Angeles Countywide Outreach Complete Count Committee (the first established in the country), and the California Complete Committee Count. Understand what resources are available to your city and how you can conduct an effective outreach census campaign.

Delivering Sustainability and Climate Resiliency Without Sacrificing Budget

California municipalities face sustainability requirements and growing demand for mission critical emergency services within constrained budgets. How do cities balance these conflicting pressures when much attention is focused on expensive zero-emission technologies? A growing list of cities in California have found a solution. Recent research and case studies will be presented, showing the benefits to municipalities when incorporating clean diesel technology and renewable diesel fuel to boost sustainability credentials without sacrificing essential city services.

Resiliency in the Midst of Tragedy and Devastation

On November 7, 2018, the Borderline Bar and Grill in Thousand Oaks was the site of a mass shooting taking the lives of 12 victims. As the city was preparing for a community vigil the next day, it was simultaneously setting up its Emergency Operations Center as the Hill and Woolsey wildfires swept through the region burning 96,949 acres and destroying 43 structures. Learn about the cross-sector collaboration strategies the besieged city of Thousand Oaks used to build resiliency, support a grieving community and respond to a raging wildfire, and how they emerged from a harrowing 24-hours "TO Strong."

When Wildfire Strikes- What to Expect and How to Prepare

The call from a Fire Chief indicating that a significant wildfire has erupted in your jurisdiction and within a State Responsibility Area can immediately trigger calls for coordinated evacuations, broadcast notifications, regional shelters and the onset of literally thousands of personnel, equipment and aircraft associated with a CalFire Incident Management Team. This session will teach and inform attendees on what to expect, how to respond, and tips on what to have in place to best prepare your community to deal with a catastrophic wildfire.

Ballot Measure Training Academy

Cities are exploring ways to generate critical revenues to address city needs. This training will offer insight into the issues of carrying out a local ballot measure campaign and will cover the essentials of building a campaign operation, organizing grassroots support, developing ballot materials, and crafting a winning message. These tactics can help city officials craft a winning public education message, and ultimately secure passage on Election Day.

The Village Movement and Resilient, Age-Friendly Cities

By 2030, adults over the age of 60 are projected to outnumber children in California. Learn about the diversity and strength of the older adult population whose growth is impacting municipal services. Become aware of the village movement: community based organizations that leverage the skills and talents of older adults to build resilience, support healthy aging, and promote World Health Organization's Age Friendly Cities platform. Learn practical steps to engage the strengths and assets of older adults to transform the experience of aging in cities.

You Can Do It!: Early Childhood Policies in General Plans

Local government has a unique opportunity to lead and lay the foundation for timely investments by including early childhood policies in General Plans. These policies prioritize the youngest residents and their families through well-informed decision-making. The cross-sectional panel will present the city of Gonzales as an example of how to adopt a local General Plan with early

childhood and health language infused throughout the document. Panelists will share lessons learned, community partnership strategies, and specific early childhood policy language examples. Participants will have the opportunity to strategize and innovate for their own community in this interactive and reflective session.

Re-imagining Modern Policing in California

State laws have led to changes at police departments with regards to use of force, body worn cameras, incident reporting, transparent disclosure of police personnel records, and training. This panel will address the practical implementation of police policies and practices from different perspectives. Learn about legislative proposals for reform pertaining to the work of law enforcement agencies. This session is suitable for anyone interested in understanding the cutting edge issues driving the framework under which law enforcement agencies operate in California today and how that is related to the public's interest in accountability and transparency.

Vested Right to Pensions - Has Anything Changed?

On March 4, 2019, the California Supreme Court delivered its long awaited opinion in Cal Fire, which held that the Legislature's elimination of "air-time" – the ability to buy up to five years of service credit not based on time worked – did not infringe on the vested rights of employees who had not yet purchased it. The "air time" issue itself is narrow, but that didn't stop some from hoping that the decision would roll back the so called "California Rule" that many have construed as preventing the modification of pension benefits absent the granting of an "equivalent benefit." But the Supreme Court took a narrow approach, and declined to rule on the continued validity of the California Rule. In this session you'll learn about which retirement benefits may be considered "vested" or subject to change, and whether prospective changes are permitted.

Optimize Government Outcomes by Leveraging Technology

Information technology is not just servers and networks anymore; it's driving culture, value and productivity through data-driven decision making and real-time citizen engagement. IT, in partnership with other departments, can be vital to establishing and maintaining rapidly evolving technological landscapes, preparing for continuity of operations during emergencies and recovering from disasters, whether natural catastrophes or ransomware attacks. Learn from experienced city managers and IT professionals how IT plays a critical role in improving municipal operations and connecting with communities through security advances, smart cities initiatives and other trending topics anticipated to inspire innovation and cause disruption.

Let's Talk Shop: How Are You Managing Adult Use Cannabis?

This panel will provide a comprehensive look at successes and challenges of adult use cannabis in various jurisdictions. Challenges such as enforcement, taxation and budget disparities (i.e. staffing and revenue expectations) will be discussed. Regardless of your city's regulation, or lack thereof, we will provide an update of where cities are at 22 months out. Panelists will provide their cities' best practices for their regulation implementation process. Planned by the Latino Caucus.

Leading California Cities Into the Future

What will our cities look like 10, 20, or 50 years from now? Considering the technological sea change we've experienced over the last decade, what should city leaders think about today to prepare for the technologies of tomorrow? How will cities harness the power of innovation to improve quality of life? Three cities will share perspectives on planning for the future, capturing and analyzing data, and building the appropriate technology infrastructure to achieve their goals. Learn from this exchange of ideas about positioning your city to capture the benefits of the next wave of technology.

What Does the Public Banking Movement Mean For Your City?

From Eureka to Imperial County, there is a surge of interest in public banking. Los Angeles recently had a ballot measure, and numerous cities and counties have published feasibility reports. Listen to experts discuss the promise and potential pitfalls of public banking, focusing on the goals behind the public banking movement, legal, regulatory and operational hurdles to forming and running a public bank, and current legislative activity. Speakers will provide sufficient details on public banking so that when advocates come knocking, policymakers are prepared to discuss the merits and drawbacks of a public banking proposal.

The Power of Partnership with Gender Equality

Women now make up 28 percent of the California State Legislature, up from its previous 21 percent just one year ago. Will the phenomena of growing women elected leaders with 2018's "Year of the Woman" influence the decisions that mayors and city councils make in choosing their city manager? How should they determine the best fit? Approximately one out of five city managers of the 473 city council/city manager governed cities in California are female. Will this trend shift favorably for female city managers and create greater gender equality? Join this lively panel discussion of women leaders. Planned by the Women's Caucus.

Manufacturing: The Revenue Source You Forgot You Needed

Manufacturing has cleaned up its act and is no longer the environmental culprit of the past. With advanced manufacturing technologies, facilities are modern, clean, and employ high-skilled and highly paid workers - jobs your residents could and must fill! How do you attract these new advanced manufacturing firms to your community? Do you know which of your existing firms have

adopted new technologies and if not, how you can help them? Attendees will gain an insight into how innovative partnerships can lead to an enhanced tax base, learning from those who are already benefiting.

The Secret to Effective Short-Term Rental Regulations

With the rapid growth of vacation rental websites, local governments are struggling to find the right balance between rules that maximize the economic benefits of short-term vacation rentals, while mitigating the negative impacts such as noise, trash, parking, changes in neighborhood character and decreased housing affordability. A panel of industry experts and city officials will share best practices for writing and enforcing short-term rental regulations and explain how they each enacted effective, enforceable and revenue enhancing ordinances that makes Airbnb-style rentals work for everyone in their communities.

LGBT Legislation and Your City: Moving Forward Together

California continues to lead the nation in assuring cities are welcoming places for LGBT persons, with landmark laws embracing diversity in the workplace and advocates continuing to identify gaps in the state laws that stifle full equality to workplaces. The workshop is designed to help cities with strategies to successfully comply with new laws and continue to be welcoming and safe places for all. Experts will outline winning strategies designed by cities to implement new laws related to the recruitment, hiring and retention of LGBT persons, and will also identify emerging policy issues at the state and federal level. Planned by the Lesbian Gay Bisexual Transgender Queer (LGBTQ) Caucus.

Innovative Solutions for Filling the Future Workforce

City leaders and educators will share successes and lessons learned from modeling unique programs that develop youth as the future of our local government workforce. By providing hands-on experiences in fire departments and general services, or bringing technology and accounting staff as speakers into classrooms, city leaders are finding new ways to build the pipeline into public service. Hear how cities are leveraging partnerships with community colleges and high schools to get creative with long-term recruitment tools that develop diverse workforces, increase staff engagement and build lasting bridges. Learn how fresh ideas are helping students gain a zest for public service careers and an important understanding of local government.

Civility in the Chambers: Impacts on Employee Attraction and Retention

Disagreement and debate among an elected body is part of the democratic process. But when does healthy discourse go too far? What impact does incivility in council chambers have on the ability to recruit and retain talented staff? Based on research from Talent 2.0, a Cal-ICMA Report

on recruiting, attracting and retaining a talented workforce, elected officials play a major role. Learn best practices for keeping council chambers civil, and how elected officials can foster employee attraction and retention.

Dockless Scooters & Bikes: Future, Fad, or Nuisance

Dockless scooters and bikes are the latest rage in mobility. In some areas of the state, these dockless electric options for pedestrians seem to have popped up from nowhere overnight. Scooters/bikes can be a green, fun, active alternative to traditional transportation, but can also be perilous. Hear a variety of viewpoints on the overall trend and what you need to consider if they are coming to your city.

#MeToo2.0: A Guide to Help Navigate New Workplace Harassment Laws

In response to the #MeToo movement, the California Legislature enacted a jaw-dropping number of bills that expand protections for employees claiming workplace harassment under FEHA. The legal standards have changed, from who can be personally liable for unlawful retaliation, to what constitutes severe and pervasive harassment, to the ability of an employer to show it has promptly responded to claims of harassment. These new laws will have a substantial impact on existing and future FEHA litigation. Learn best practices to reboot workplace culture, increase productivity, and mitigate your agency's liability.

Housing for All: Framing a New Conversation About Housing in Your Community

The need for housing in California has reached critical proportions, but there still seems to be opposition and obstacles to projects at every turn. Learn new strategies to address community opposition, funding solutions to support developers and best practices from colleagues that can help your city get its housing production back on track.

Mapping Black California: Sharing Stories of Culture, Comfort, and Circumstance

People from all around the world consider the Golden State their home. Many have experienced hardships and obstacles to live comfortably due to policy and race, rising rent, cost of living, gentrification, and other political factors. In 2016, UC Berkeley reported 67 percent of African American households were renters and among them 64.1 percent were rent burdened. African American homeownership in the state was only 41.9 percent. This session will look at the narrative of what "home" is considered for many in our state, while telling the stories of millions through their own experiences and voice. What does home look like to you? Planned by the African-American Caucus.

Tips and Tools to Improve Trust in Local Government

In today's environment of the 24-hour news cycle, social media and "fake news," cities throughout California are working hard to strengthen trust in local government. City officials and staff are grappling with questions like "How can we promote public trust and confidence?" and "How can we minimize missteps that undermine or damage this trust?" Discover the answers to these fundamental questions and receive practical tools and tips to proactively avoid ethical missteps and implement ethical best practices in your community.

City Clerks Workshop: Through the Lens of a Voter - A Closer Look at Elections

Municipal clerks are proficient at the mechanics of a local election. Whether its candidate nominations, campaign filings or certifying results, local elections officials are well versed in the technical aspects of the Elections Code and conducting the election itself. This session, however, will go beyond the technicalities and facilitate an understanding of voter demographics and voter behavior. It is only through this deeper understanding of voting patterns and psychology that we can learn to better serve and engage our residents. Participants will learn how national and state conversations in the elections space affect local elections, why it is important to understand community demographics to fully engage our constituency, and the social responsibility of the local elections official on the front lines of this democratic process.

Understanding Public Service Ethics Laws and Principles (AB 1234 Training)

State law requires elected and appointed officials to receive two hours of training in specified ethics laws and principles every two years. Newly elected and appointed officials must receive this training within one year of becoming a public servant. Join a panel of experts as they help navigate the ethics laws and principles. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once session begins.

Harassment Prevention Training for Supervisors and Officials (AB 1661 Training)

This informational and interactive workplace harassment prevention training will focus on current and emerging issues resulting from the #MeToo movement, and teach officials and supervisors how to identify, prevent, and properly respond to workplace harassment, discrimination, retaliation, and abusive conduct in order to avoid personal and agency liability in compliance with AB 1825/2053/1661 and SB 396. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once session begins.

Speed Sessions

Preserving Community Identity

Issues like homelessness, affordable housing and renewable energy—important subjects that demand urgent attention—dominate our attention. We sometimes forget what characteristics truly define our communities. In our efforts to solve the big problems, we must not treat all communities as interchangeable but celebrate their differences. This session focuses on how to embrace one's unique community identity even when collaborating with other local jurisdictions on regional or statewide issues. Norco survives by being different—carving out a low-density equestrian lifestyle with a Western-themed physical environment—while addressing 21st century issues facing the Golden State.

The Santa Rosa Story: Housing Crisis to Housing Opportunity

When faced with a housing crisis made worse by a disaster that destroys 5 percent of your housing stock, what do you do? This session will take the audience through the Santa Rosa Story and how they handled the loss of 5 percent of their housing stock (moving over half into the rebuild process in less than a year), and at the same time worked to address the mounting housing crisis by implementing numerous housing policies, process improvements, fee reductions, use of city property, and regional partnerships in place to spur new housing construction in the downtown near transit. Does it take a disaster to do this? No.

Kindergarten to College: \$50 Million Could be Yours

Low-income families in San Francisco have saved more than \$4 million for college through the Kindergarten to College (K2C) program. K2C is the first universal and automatic college savings account in the country and was inspired by research that shows that if a child grows up with a college savings account in his or her own name, that child is up to seven times more likely to go to college compared to a child without an account. Governor Newsom has put funding in the state budget to replicate this program statewide. Learn how your city could be next.

City Attorneys' Track Agenda

Sessions and speakers are subject to change.

Conference App

The League of California Cities mobile application is a great organization and conference tool. The app provides full access to the conference in the palm of your hand. You can see the schedule of events, build your own custom schedule, import your selected events into your calendar, access session materials, speaker bios, all exhibitor information, and the list goes on. The League's mobile app is available for download through your device's app store by searching "League of CA Cities", "League of California Cities" or "CACities."

Travel and Training FY 19-20 Budget Tracking for Council

Mayor Tran				
	Training/Travel Event	FY 19-20 Amount Expended/Estimated	Total	Remaining Balance
1	Annual Conference of Mayors, Hawaii (FY 19-20 exp. only)	\$26.92	\$26.92	\$4,973.08

Vice Mayor Dominguez				
	Training/Travel Event	FY 19-20 Amount Expended/Estimated	Total	Remaining Balance
1	Silicon Valley Organization Trip to Nashville from 9/3-9/6 2019 (FY 19-20 exp. only)	\$300.00	\$300.00	\$4,700.00
2	League of California Cities, Long Beach from 10/16-10/18 2019	\$1,293.54	\$1,593.54	\$3,106.46

Councilmember Montano				
	Training/Travel Event	FY 19-20 Amount Expended/Estimated	Total	Remaining Balance
1	League of California Cities Annual Conference, Long Beach from 10/16-10/18 2019	\$1,119.64	\$1,119.64	\$3,880.36

Councilmember Nuñez				
	Training/Travel Event	FY 19-20 Amount Expended/Estimated	Total	Remaining Balance
1	League of California Cities Annual Conference, Long Beach from 10/16-10/18 2019 (Registration only)	\$550.00	\$550.00	\$4,450.00

Councilmember Phan				
	Training/Travel Event	FY 19-20 Amount Expended/Estimated	Total	Remaining Balance
1	Silicon Valley Organization Trip to Nashville from 9/3-9/6 2019 (FY 19-20 exp. only)	\$300.00	\$300.00	\$4,700.00
2	League of California Cities Annual Conference, Long Beach from 10/16-10/18 2019	\$1,293.54	\$1,293.54	\$3,406.46



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Requests from Two Non-Profit Organizations for \$500 Donations each toward Hangeul Day Event at Milpitas Library and for Mid-Autumn Festival in Milpitas (Staff Contact: Mary Lavelle, 408-586-3001)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/3/2019
Staff Contact:	Mary Lavelle, 408-586-3001
Recommendation:	Consider applications from two Non-Profit Organizations for \$500 donations each and approve those for Hangeul Day on September 19, 2019 at Milpitas Library and for Mid-Autumn Festival at SJCC Milpitas Extension on September 28, 2019.

Background:

On August 15, 2019, the City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" from the Korean Language and Culture Foundation, a non-profit organization in Milpitas. This group plans to hold a celebration of Hangeul, the Korean alphabet on September 19, 2019 at Milpitas Library. The annual event allows participants to experience Korean culture including the Korean alphabet, Korean customs and printing system. The Foundation is seeking funds for support from the City of Milpitas and submitted its IRS non-profit determination letter. This is the sixth year the group has requested a donation for Hangeul Day.

On August 8, 2019, the City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" from the Milpitas Community Education Endowment (MCEE), a non-profit organization in Milpitas, for its Mid-Autumn Festival (Tet Trung Thu). MCEE plans to hold a celebration of Tet Trung Thu on September 28, 2019 at San Jose City College Milpitas Extension on Escuela Parkway. This will be the second annual fall festival featuring arts & crafts, food, dance performances and community exhibits. MCEE is seeking funds for support from the City of Milpitas and submitted its IRS non-profit determination letter. This is the second year the group has requested a donation.

The Adopted Fiscal Year 2019-2020 Budget includes \$25,000 for donations, fee waivers, and events. The allocation of this money for the full Council versus individual Councilmembers was included as a discussion item for the August 20, 2019 Council meeting, however, due to time constraints, the item was deferred to the September 17 agenda. Since there is time sensitivity with the requests in this report, staff is bringing these two donation requests forward for Council consideration, ahead of the policy discussion.

Analysis:

Milpitas City Council adopted the "City Council Donation and Fee Waiver/Reduction Policy" on April 16, 2013. A copy is included as an attachment. This policy allows Milpitas non-profit organizations to request City fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. The requesting groups must be local Milpitas non-profits and provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board. Groups are requested to file a follow up report with the City Clerk after the event for which the fee waiver or funds were requested.

Policy Alternatives:

Alternative 1: Do not approve the donations as requested

Pros: The City's General Fund will not incur the costs of the donations.

Con: Denial of these requests would negatively impact two non-profit organizations in the community.

Reason not recommended: There is no reason to not consider the request since there is adequate funding available and the eligible non-profits have completed the correct paperwork and are seeking City Council approval based on adopted policy.

Alternative 2: Defer approval of the donations as requested after Council's consideration of the draft Council Policy titled "Council Policy for Events."

Pros: Council would have an opportunity to discuss a comprehensive policy before taking action on any donations or fee waivers.

Con: Deferring the decision of the requested donations would not provide an opportunity for the Council to support the two non-profit organizations.

Reason not recommended: Would not provide an opportunity for the Council to consider the time-sensitive funding requests from the two non-profit organizations.

Fiscal Impact: The total amount of \$1,000 would be allocated from the City Council Unallocated Community Promotions line item in the adopted FY 2019-20 budget. \$25,000 was included in the budget adopted by City Council, therefore if the Council authorizes both donations requested here, \$24,000 would be the remaining balance.

Recommendation:

Consider two requests received by the City Clerk and move to approve \$500 donation each to (1) Milpitas Community Education Endowment for Mid-Autumn Festival on September 28 and to (2) Korean Language and Culture Foundation for its annual Hangeul Day on September 19 at Milpitas Library, and permit use of the City seal logo on event flyers.

Attachments:

- 1) City Council Donation and Fee Waiver/Reduction Policy
- 2) Application and materials from Milpitas Community Education Endowment
- 3) Application and materials from Korean Language and Culture Foundation

**CITY OF MILPITAS, CALIFORNIA
STANDARD OPERATING PROCEDURE**

SUBJECT: CITY COUNCIL DONATION AND FEE WAIVER/REDUCTION POLICY

1. Purpose

The City of Milpitas recognizes the value of partnership with other agencies and organizations in providing services that benefit the community and its residents. To that end, the City may provide a donation or grant a reduction and/or waiver of fees to intergovernmental agencies or non-profit organizations that provide Milpitas community benefit.

2. Donation and Fee Waiver Budget

With each budget cycle, the City Council will establish an annual budget amount for donations or fee waivers/reductions for unspecified community events. Except for extraordinary circumstances, donations and or fee waivers/reductions will not be granted once the budgeted amount has been expended.

3. Requirements

- a) Any requests for donation or fee waiver/reduction must be submitted in writing using the attached application form.
- b) Requests for donations or fee waivers/reductions will be considered by the City Council during a regularly scheduled meeting.
- c) To be eligible, the organization must be a non-profit organization as described by the Internal Revenue Section such as 501(c)(3) or an intergovernmental agency. In either case, only events that provide community benefit within the City of Milpitas shall be eligible. If fund raising is involved, the organization must demonstrate that at least 60% of fund raised will be of general benefit to the Milpitas community. The organization must be non-discriminatory, and non-political in nature, based in Milpitas or have a local affiliation within the City.
- d) If the request for donation or fee waiver/reduction is for a community event, the event must be advertised, open to the public and no entrance fee shall be charged for the event.
- e) Fee waivers/reductions only apply to services provided by the City during its regular course of business. Such fees may include rental fees for the City's facilities or equipment, building permit fees or fire permit fees. Any City staff overtime costs required due to the event cannot be waived.
- f) The City Council may grant donation or fee waiver/reduction to each organization once annually, regardless of how many branches or affiliations it may have in the City.
- g) The fee waiver/reduction amount is further subject to \$1,500 maximum annually and the donation amount is subject to \$500 maximum annually for each organization. A fee waiver/reduction request cannot be combined with a donation request.
- h) To the extent possible, the City's contribution should be recognized in the event fliers and/or advertising.
- i) Within 60 days after completion of the event in which a donation was received or a fee waiver/reduction was granted by the City, the organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.
- j) Failure to abide by the rules and procedures as set forth in this document will result in the organization being denied for funding and/or fee waiver/reduction in the future.

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

Complete this form and return it to Milpitas City Clerk

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: _____

Is there a Milpitas branch or affiliation? _____

Mailing Address: _____

Contact Person: _____ Telephone No. _____

Email Address: _____

What is your request? Donation Amount Requested _____ OR

Fee Requested to be waived (type and \$ amount) _____

Event date(s): _____

What is the purpose of the event? _____

How will the Milpitas community benefit from this event? _____

What % of the fund raising proceeds will benefit Milpitas community? _____

How will the City's contribution (if granted) be recognized in any publicity? _____

Within 60 days after completion of the event for which a donation was received or a fee waiver/reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: _____

Date: _____

Print Name & Title: _____

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

City Clerk's Office

AUG 14 2019

Complete this form and return it to Milpitas City Clerk

RECEIVED

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: Milpitas Community Educational Endowment

Is there a Milpitas branch or affiliation? We are based in Milpitas and serve the community

Mailing Address: 1331 E. Calaveras Blvd.
 Milpitas, CA 95305

Contact Person: Robert Jung Telephone No. 408.883.3813

Email Address: info@mceefoundation.org

What is your request? Donation Amount Requested \$500.00 OR

Fee Requested to be waived (type and \$ amount) N/A

Event date(s): Saturday, September 28, 2019

What is the purpose of the event? To celebrate the Mid-Autumn Festival, a key celebration for the Vietnamese and Chinese community, educate our community through exhibits, food, performances, information booths and sessions, and arts and crafts.

How will the Milpitas community benefit from this event? A cultural experience for Milpitas, to celebrate the end of the autumn festival, as well as educational one. The event hopes to bring the community to learn about the San Jose City College, Milpitas extension and what it offers, learn about the various community services, as well as the cultural history of some of its citizens.

What % of the fund raising proceeds will benefit Milpitas community? 100%

This is organized as a "break-even event", but if we do raise any funds, it'll go to the MCEE endowment, which will help to generate an annual grant to MUSD.

How will the City's contribution (if granted) be recognized in any publicity?

 website, flyer, social media

Within 60 days after completion of the event for which a donation was received or a fee waiver/reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: 

Date: 8/7/2019

Print Name & Title: Amin Fazal, VP, MCEE

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 11 2010

MILPITAS COMMUNITY EDUCATIONAL
ENDOWMENT INC
C/O MILPITAS UNION SCHOOL DISTRICT
1331 EAST CALAVERAS BLVD
MILPITAS, CA 95035-5707

Employer Identification Number:
27-1030958
DLN:
17053342388039
Contact Person:
GARY MUTHERT ID# 31518
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
June 30
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
October 14, 2009
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)



Educational Endowment



MCEE

Presents

2nd ANNUAL MID AUTUMN FESTIVAL

Tết Trung Thu 

Free Admission

Arts & Crafts, Food,
Performances (including
Wings of the 100 Viet
Dance Company),
Exhibits, Community
Information and
Resources & More!

28
SEP
2019

12 Noon - 7PM

Sponsored by

The
Milpitas
Beat



SJCC Milpitas Extension
1450 Escuela Parkway
Milpitas, CA 95035

www.mceefoundation.org/midautumnfestival.html

JOIN US FOR A DAY OF FUN, FOOD & INFORMATION

For more information, contact us at: info@mceefoundation.org
For the latest information, signups, program information, please
check our webpage.

JAN 11 2018

RECEIVED

CITY OF MILPITAS – FEE WAIVER/DONATION REPORT TO CITY CLERK

ORGANIZATION: _____Milpitas Community Educational Endowment_____

FUNCTION and DATE: _____Mid-Autumn Festival – October 7, 2017_____

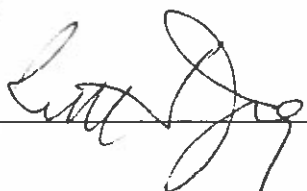
SUBMITTED BY: _____Robert Jung_____

1. number of participants: we estimated around 400 community members, volunteers, & organizers
2. copies of all publicity of the event (attach) - attached
3. benefit to the community:
 - a. Re-introduced the Family Resource Center to the community
 - b. Celebrated the Mid-Autumn Festival with the community
 - c. Community Outreach by various community organizations including MPD, Milpitas Sanitation, Kansen Chu's office, Randall PTA and several other organizations
4. amount of funds raised: this was not designed as a fundraiser. Funds that were granted were used for flyers, banners, and custodial costs. The grant help to offset the organizations cost.
5. accounting of how the proceeds of the event will be dispersed: given it was not a fundraiser, this is not applicable.

DATE:

_____1/11/18_____

SIGNATURE:

__________

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

Complete this form and return it to Milpitas City Clerk

City Clerk's Office
AUG 1 2019
RECEIVED

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: Korean Language and Culture Foundation

Is there a Milpitas branch or affiliation? Yes

Mailing Address: 511 Los Coches St. Milpitas, CA 95035

Contact Person: Eun-Hee Koo Telephone No. 408-805-4554

Email Address: klacsf@gmail.com

What is your request? Donation Amount Requested \$500.00 OR

Fee Requested to be waived (type and \$ amount) _____

Event date(s): September 19, 2019

What is the purpose of the event? To celebrate the 576th Korean Alphabet Day and let City of Milpitas citizens experience Korean culture

How will the Milpitas community benefit from this event? They will experience Korean culture including Korean alphabet, Korean custom and printing system.

What % of the fund raising proceeds will benefit Milpitas community? No fundraising event

How will the City's contribution (if granted) be recognized in any publicity? _____
It will be announced on the program and at the event.

Within 60 days after completion of the event for which a donation was received or a fee waiver/reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: 

Date: 8/14/2018

Print Name & Title: Eun-Hee Koo, Chairperson of Board of Directors



Korean Alphabet Day Celebration



Come and join this wonderful event. This event is FREE admission and open to public. There will be Korean cultural performances and ceremony, and many booths where you can visit to learn about Korean culture including eating Korean rice cakes, wearing Korean costumes, printing the last page of Jikji, the oldest movable metal printed book, writing Korean letters with brushes, and making Korean traditional hats. We are also looking for volunteers and supporters of this event.



1. Co-hosts:



City of Milpitas

2. Special Sponsor:

, AKASF



3. Sponsors:

SV Writers Group, Sky Mission Service

3. Date and Time: September 19, 2019 (Thursday) 7:00 p.m. to 8:30 p.m.

4. Place: Milpitas Library Auditorium

160 North Main Street, Milpitas, CA 95035

5. Title: "The 576th Hangeul (Korean Alphabet) Day Celebration"

6. RSVP by 9/15 (Monday): klacsf@gmail.com, 408-805-4554

Photos from the previous Hangeul (Korean Alphabet) Day Celebration



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JUL 18 2014**

KOREAN LANGUAGE AND CULTURE
FOUNDATION
1851 MCCARTHY BLVD STE 115
MILPITAS, CA 95035-7448

Employer Identification Number:
27-4323632
DLN:
17053008319014
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
November 21, 2011
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947



DEC 29 2017

RECEIVED

CITY OF MILPITAS – FEE WAIVER/DONATION REPORT TO CITY CLERK

ORGANIZATION: Korean Language and Culture Foundation

FUNCTION and DATE: The 574th Korean Alphabet Day Celebration on October 7th, 2017

SUBMITTED BY: Eun-Hee Koo, Chairperson of Board of Directors of Korean Language and Culture Foundation

1. number of participants: 100
2. copies of all publicity of the event (attach): Flyer of the event is attached below.
3. benefit to the community:
Non-Korean citizens got a chance to learn and experience Korean traditional and modern culture.
4. amount of funds raised: This was not a fundraising event.
5. accounting of how the proceeds of the event will be dispersed:

There was no financial proceeds, and the donation from City of Milpitas helped us provide all events to everybody without charging fees.

DATE:

SIGNATURE:

12/28/2017





CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize Mayor's Response Letter to the 2018-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority"
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2019
Staff Contact:	Ashwini Kantak, 408-586-3053
Recommendation:	Authorize Mayor's Response Letter to the 2108-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority"

Background:

On June 18, 2019, the City of Milpitas received the 2018-2019 Santa Clara County Civil Grand Jury final report on "Inquiry into the Governance of the Governance of the Valley Transportation Authority". The Grand Jury listed a finding and recommendations in regards to the Valley Transportation Authorities (VTA) continued decline in operating performance, and the recurring budget gaps between projected revenues and expenses, referred to as structural financial deficits.

Pursuant to California Penal Code 933(c), the City is required to provide a response to the Presiding Judge of the Superior Court no later than September 16th, 2019.

Analysis:

The Santa Clara Valley Transportation Authority (VTA) is an independent special district created by the California legislature in 1972 and operates under a Board of Directors composed of elected officials from throughout the County appointed to serve by the County Board of Supervisors.

The 2003-2004 Santa Clara County Civil Grand Jury conducted an Inquiry into the Board Structure and Financial Management of the Valley Transportation Authority". This inquiry found:

- The operating performance of VTA compared unfavorably to its peer organizations;
- The VTA Board had not effectively managed the finances of VTA, resulting in a substantial root cause of VTA's poor performance was the go structural financial deficit that was projected to increase in the following year; and
- The root cause of VTA's poor performance was the governance structure of the VTA Board, which was "too large, too political, too dependent on staff, too inexperienced in some cases, and too removed from the financial and operational performance of VTA".

The 2003-2004 Grand Jury proposed various changes to the Board's structure as a means to address the issues and to make the VTA Board more responsive. Seven VTA constituent municipalities filed responses to the Grand Jury and were supportive of some or all of the recommended changes. However, VTA defended the status quo, and most of the other municipalities adopted VTA's position, therefore, the recommended changes were not made.

The 2008-2009 Civil Grand Jury again examined the governance of VTA and reiterated some of the same concerns noted in the 2003-2004 inquiry, however the focus of the 2008-2009 report was on the role and functioning of the VTA Board's appointed advisory committees.

The 2018-2019 Civil Grand Jury revisited the subject of VTA's governance and the work of the earlier grand juries and found that:

- VTA's operating performance has continued to deteriorate over the last 10 years, relative to both its own historical performance and the performance of its peers, across a wide variety of metrics;
- The VTA Board has consistently failed to adequately monitor VTA's financial performance and has taken action; albeit less than fully effective action, only in the face of imminent financial crises; and
- Despite the serious ongoing structural financial deficit, the VTA Board has been unwilling to review and reconsider decisions made years or even decades ago regarding large capital projects (and their attendant operating costs) that are no longer technologically sound or financially viable, based on their costs and projected ridership.

The 2018-2019 Civil Grand concluded that today the VTA Board is in needed of structural change to enable it to better protect the interests of the County's taxpayers, and address the many complex challenges presented by emerging trends in transportation, rapidly evolving technology, and the changing needs of Silicon Valley residents.

The Grand Jury recommended several changes to the governance structure and operations of the VTA Board which will improve the Board's ability to effectively perform its important oversight and strategic decision-making functions. The Grand Jury further recommended that the VTA Board consider deferral of the Phase 2 East ridge light rail extension project pending a full review of the future role of light rail in the VTA's transit system. The review should study alternative ways to meet the needs of the residents of East San Jose for modern, efficient public transportation without extending a costly and outdated light rail system and worsening VTA's already precarious financial condition.

Staff recommends authorizing the Mayor to send the letter of response, a draft of which is included in the agenda packet in replay to the Civil Grand Jury final report. The letter is due to the Grand Jury on September 17, 2019.

Policy Alternatives:

Alternative 1:

Not responding to the 2018-2019 Santa Clara County Civil Grand Jury final report on "Inquiry into the Governance of the Governance of the Valley Transportation Authority" as required by the September 17, 2019 deadline.

Pros: None

Cons: Pursuant to Penal Code Section 933(c), the City is required to provide a response to the Presiding Judge of the Superior Court. Not responding as directed could result in legal consequences imposed upon the City.

Reason not recommended:

City staff, with assistance of the City Attorney's office have drafted the letter included in the Council agenda packet in response to the Civil Grand Jury final report, and it is recommended the City Council authorize the Mayor to respond to the 2018-2019 Grand Jury by the September 17, 2019 deadline

Fiscal Impact:

None

California Environmental Quality Act: Not Applicable

Recommendation:

Authorize Mayor's Response Letter to the 2108-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority"

Attachments:

1. Draft Response to 2018-2019 Civil Grand Jury
2. 2018-2019 Santa Clara County Civil Grand Jury Final Report "Inquiry into the Governance of the Valley Transportation Authority."



CITY OF MILPITAS

455 East Calaveras Boulevard, Milpitas, California 95035-5479 www.ci.milpitas.ca.gov (408) 586-3000

September __, 2019

Honorable Deborah A. Ryan
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

The letter shall serve as the City of Milpitas' response to the Grand Jury final report titled "Inquiry into Governance of the Valley Transportation Authority." The City is providing this response within 90 days as requested by the Grand Jury in correspondence sent to the City on June 18, 2019, along with Penal Code 933(c). Per the correspondence, the City is to respond to Finding 1 and Recommendations 1c, 1d, and 1e as follows:

FINDINGS

Finding 1: The VTA Board, currently made up exclusively of elected officials from the Santa Clara County, Board of Supervisors, the City of San Jose and other small cities in the County, suffers from:

- A lack of experience, continuity and leadership;
- Inadequate time for the directors to devote to their duties to the VTA Board due to their primary focus on the demands of their elected positions;
- A lack of engagement on the part of some directors, fostered in part by the committee system, resulting in VTA functioning largely as a staff-driven organization;
- Domination, in terms of numbers, seniority and influence, by representatives of the Santa Clara County Board of Supervisors and the City of San Jose; and
- Frequent tension between the director's fiduciary duties to VTA and its regional role, on the one hand, and the political demands of their local elected positions, on the other.

City of Milpitas Response:

- The City of Milpitas agrees with this finding.
- The Valley Transportation Agency (VTA) has expanded far beyond simply providing bus transit service. Today, the VTA develops and implements bus and light rail systems, regional transportation planning, capital projects such as the BART extension, High Occupancy Vehicle (HOV) lanes and Express Lanes on County expressways and State routes within the County. The VTA has also recently broadened its involvement in transit-oriented mixed-use housing development and operation of local jurisdiction traffic signals. The efficient leadership and management of VTA, with a broad vision to innovate mobility in the County, requires experienced Board members that have the technical ability and time to devote to remain engaged and provide oversight of the organization.

RECOMMENDATIONS

Recommendation 1c: As constituent agencies of VTA, each of the cities in the County should prepare and deliver to VTA and the County Board of Supervisors a written report setting forth its views regarding VTA governance, with specific reference to the elements listed in Recommendation 1a. These reports should be completed and delivered prior to December 31, 2019.

City of Milpitas Response:

- The recommendation will not be implemented because it is not warranted at this time. The City of Milpitas requests that VTA provide funding to an appropriate fiscal agent such as a countywide Cities Task Force , to provide the resources needed for a thoughtful discussion of alternatives and positions by cities without designated seats on the VTA Board. This discussion should include the potential support for organizations similar to Councils of Governments that can sustainably represent the interests of multiple municipalities. Once this funding is committed, at least 120 days will be needed to complete the discussion and documentation of perspectives and recommendations to the VTA Board and County Board of Supervisors

Recommendation 1d: Within six months following the completion of the studies and reports specified in Recommendations 1a, 1b and 1c, the County of Santa Clara and/or one or more of VTA's other constituent agencies, should propose enabling legislation, including appropriate amendments to Sections 100060 through 100063 of the California Public Utilities Code, to improve the governance structure of VTA (which potentially could include an increase in the directors' term of service, the addition of term limitations and the inclusion of appointed directors who are not currently serving elected officials).

City of Milpitas Response:

- The recommendation will not be implemented because it is not warranted at this time. As VTA is a countywide agency, the City of Milpitas recommends that the a countywide Cities Task Force be established to take the lead in proposing legislation. The City of Milpitas is open to participating in the review of such potential legislation as appropriate.

Recommendation 1e: In order to provide more continuity in the leadership of the VTA Board, within six months following the completion of the studies and reports specified in Recommendations 1a, 1b, and 1c, the County of Santa Clara and/or one or more of VTA's other constituent agencies, should propose enabling legislation amending Section 100061 of the California Public Utilities code to provide that the Chairperson of the VTA Board shall be elected for a term of two years rather than one.

City of Milpitas Response:

- The recommendation will not be implemented because it is not warranted at this time. As stated in response to Recommendation 1d, as VTA is a countywide agency, City of Milpitas recommends the establishment of a countywide Cities Task Force to take the lead in proposing legislation. The City of Milpitas is open to participating in the review of such potential legislation as appropriate.

This completes the City of Milpitas' response per correspondence sent to the City by the Grand Jury dated June 18, 2019 and per Penal Code 933(c).

Sincerely,

Rich Tran, Mayor
City of Milpitas

INQUIRY INTO GOVERNANCE OF THE VALLEY TRANSPORTATION AUTHORITY



2018-2019 Civil Grand Jury
of Santa Clara County

June 18, 2019

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GLOSSARY AND ABBREVIATIONS

AC Transit	Alameda County Transit. A peer transit agency to VTA.
APTA	American Public Transit Association. A national association of which VTA is a member.
BART	Bay Area Rapid Transit. A peer transit agency.
County	County of Santa Clara
CPC	Capital Program Committee. A standing committee of the VTA Board of Directors.
DOT	US Department of Transportation. A national transportation agency.
EBRC	Eastridge-BART Regional Connector. Current nomenclature for the Eastridge light rail extension (Phase 2).
Farebox recovery ratio	Fares collected from passengers divided by operating expenses.
FTA	Federal Transit Administration. A federal agency providing transit data (see NTD) and services.
HMTA	Houston Metro Transit Agency
HOV	High Occupancy Vehicle
LRT	Light rail transit [system]
MTC	Metropolitan Transportation Commission. A Bay Area regional transportation coordination and planning agency.
Next Network	VTA's Next Network is a redesign of the transit network and is one component of an agency-wide effort to make public transit faster, more frequent and more useful for Santa Clara County travelers.
NTD	National Transportation Database. Database of statistics and metrics maintained by FTA.
PUC	California Public Utilities Code
SCCTD	Santa Clara County Transit District
SCVWD	Santa Clara Valley Water District

VTA Santa Clara Valley Transportation Authority

VRH Vehicle Revenue Hours

SUMMARY

The Santa Clara Valley Transportation Authority (VTA) is an independent special district created by the California legislature in 1972. Initially, the Santa Clara County (County) Board of Supervisors provided direct oversight of VTA and acted as its Board of Directors. Effective January 1, 1995, pursuant to further legislation, VTA began operating under a separate Board of Directors (VTA Board) composed of elected officials from throughout the County appointed to serve by the County Board of Supervisors and the governing authorities of VTA's constituent municipalities, with the allocation of VTA Board representation generally based on population.

For many years, VTA has been plagued by declining operating performance and recurring budget gaps between projected revenues and expenses (referred to as structural financial deficits) – notwithstanding significant population growth and, in recent years, increased employment levels throughout much of Silicon Valley.

The 2003-2004 Santa Clara County Civil Grand Jury conducted an “Inquiry into the Board Structure and Financial Management of the Valley Transportation Authority”¹ which found, among other things, that:

- The operating performance of VTA compared unfavorably to its peer organizations;
- The VTA Board had not effectively managed the finances of VTA, resulting in a substantial structural financial deficit that was projected to increase in the following year; and
- A root cause of VTA's poor performance was the governance structure of the VTA Board, which was “too large, too political, too dependent on staff, too inexperienced in some cases, and too removed from the financial and operational performance of VTA.”

To address these issues and attempt to make the VTA Board more responsive, the 2003-2004 Grand Jury proposed various changes to the Board's structure. Although responses filed by seven of VTA's constituent municipalities were supportive of some or all the recommended changes, VTA's response defended the status quo, and most of the other municipalities adopted VTA's position. Accordingly, the recommended changes were not made.

The 2008-2009 Grand Jury again examined the governance of VTA and reiterated some of the same concerns noted in the earlier report, although the focus of the 2008-2009 report was primarily on the role and functioning of the VTA Board's appointed advisory committees.

¹ http://www.sccscourt.org/court_divisions/civil/cgj/2004/BoardStructureFinancialMgmtVTA.pdf

The 2018-2019 Civil Grand Jury (Grand Jury) revisited the subject of VTA's governance and the work of the earlier grand juries and found that:

- VTA's operating performance has continued to deteriorate over the last 10 years, relative to both its own historical performance and the performance of its peers, across a wide variety of metrics;
- The VTA Board has consistently failed to adequately monitor VTA's financial performance and has taken action, albeit less than fully effective action, only in the face of imminent financial crises; and
- Despite the serious ongoing structural financial deficit, the VTA Board has been unwilling to review and reconsider decisions made years or even decades ago regarding large capital projects (and their attendant operating costs) that are no longer technologically sound or financially viable, based on their costs and projected ridership.

The Grand Jury concluded that today, more so than in 2004 or 2009, the VTA Board is in need of structural change to enable it to better protect the interests of the County's taxpayers and address the many complex challenges presented by emerging trends in transportation, rapidly evolving technology and the changing needs of Silicon Valley residents. The Grand Jury recommends several changes to the governance structure and operations of the VTA Board which will improve the Board's ability to effectively perform its important oversight and strategic decision-making functions. The Grand Jury further recommends that the VTA Board consider deferral of Phase 2 of the Eastridge light rail extension project pending a full review of the future role of light rail in VTA's transit system. Such a review should study alternative ways to meet the needs of the residents of East San Jose for modern, efficient public transportation without extending a costly and outdated light rail system and worsening VTA's already precarious financial condition.

In January 2019, the incoming Chairperson of the VTA Board issued a summary of her "2019 Perspectives and Priorities"² for VTA (see Board of Director's Meeting, January 7, 2019, section 8.2). Among the goals articulated by the Chairperson was improved board governance. The Chairperson announced that she would "convene a board working group to look at a range of board governance practices," with a view to improving "board engagement and effectiveness." The Grand Jury commends the Chairperson for focusing on the important subject of governance. This report may aid the Chairperson and the rest of the Board in that endeavor.

² <http://santalaravta.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2133&Inline=True>

METHODOLOGY

The 2018-2019 Civil Grand Jury began this investigation of VTA on August 15, 2018 and concluded its work on May 29, 2019. The investigation primarily followed from issues highlighted in the report of the 2003-2004 Grand Jury and focused on the structure of the VTA Board of Directors, the effectiveness of its oversight of VTA's operating and financial performance, its handling of the agency's persistent structural financial deficit and its ability to address the many complex challenges facing VTA as it confronts the future of transportation in Silicon Valley. The Grand Jury employed a broad range of data gathering and investigative methods, including:

- **Site visits** were made to VTA headquarters, one of the VTA bus yards, VTA's downtown customer service center, and bus and light rail stops and stations.
- **The transit system** was used, including the purchase of Clipper Cards, riding buses and light rail trains during peak and off-peak hours, stops at and transit through Diridon Station, Eastridge, downtown and North County rail and bus facilities, and assessing access to transit stops by walking to stations and stops and using VTA parking sites.
- **Interviews** were conducted with 37 individuals (some more than once) over more than 50 hours. Interviewees included a substantial number of individuals who served as members of the VTA Board and its committees during 2018 and 2019, senior and mid-level VTA staff personnel, city and county government officials, and representatives of various community stakeholder groups.
- **Governing documents** were reviewed, including: (i) provisions of the California Public Utilities Code (PUC), which established VTA, particularly PUC Sections 100060 through 100063, which set forth the governance structure of the VTA Board; (ii) provisions of the VTA Administrative Code, adopted by the VTA Board to supplement the provisions of the PUC; and (iii) agreements among members of city groups who share representation on the VTA Board regarding the process for rotating their representation on the Board and collectively choosing their appointees. In addition, data regarding attendance records for VTA Board and committee meetings, directors' terms in office and voting records were examined.
- **Reports specific to VTA** were reviewed, including: (i) the 2003-2004 and 2008-2009 Civil Grand Jury reports and the responses thereto; (ii) a 2007 report entitled "Santa Clara Valley Transportation Authority Organizational and Financial Assessment," by the Hay Group (Hay Report); (iii) a 2008 report on VTA by the California State Auditor; (iv) a 2010 thesis entitled "Assessing Transit Performance: Recommended Performance Standards for the

Santa Clara Valley Transit Authority,” authored by a San Jose State University master degree candidate; (v) a 2016 report entitled “Transit Choices Report,” prepared for VTA by the consulting firm Jarrett Walker +Associates; and (vi) numerous public documents published by VTA and/or available on its website. These and other documents referred to in this report are listed in the Reference Section.

- **Comparisons** were made of VTA’s performance in various operating and financial categories to the performance of other transit organizations utilizing data compiled by the American Public Transportation Association (APTA), the United States Department of Transportation (DOT), The Business Insider, the Federal Transit Administration (FTA) published in the National Transit Database (NTD), the Public Transit Factbook and other federal and industry indices and metrics. Industry and “think tank” reports and articles discussing and comparing transit agency performance, including, among others, the Cato Institute, the Heritage Foundation and the Hudson Institute, were also reviewed. For purposes of comparison, operating data from peer agencies serving the metropolitan areas of Portland, Minneapolis, Houston, Dallas, Salt Lake City, Denver, San Francisco, Sacramento and San Diego were reviewed. In connection with a comparison of governance structures, other agencies, including those serving Los Angeles, Seattle, Vancouver B.C., Austin, Chicago, New York, the District of Columbia and Phoenix, were considered.
- **Attendance** at regularly scheduled meetings of the VTA Board and its committees, including the Administration and Finance Committee, Capital Program Committee (CPC), Governance and Audit Committee, and Ad Hoc Financial Stability Committee between October 2018 and May 2019, as well as Board workshops on the Future of Transportation in Silicon Valley and the proposed biennial budget for fiscal years 2020 and 2021. Audio and video recordings of some of the meetings noted above, as well as other meetings of the VTA Board and certain committees conducted from January 2018 forward were reviewed.

DISCUSSION

A Brief History of the VTA

Santa Clara County Transit District (SCCTD) was created by the County's voters in June 1972 and took over operations of three financially strapped private bus companies. SCCTD was initially managed by the County's Department of Public Works, but in 1974 became a separate agency governed directly by the County Board of Supervisors.

SCCTD initially focused on upgrading and replacing its inherited fleet of buses. Assisted by federal funding and a voter approved half-cent sales tax in 1976, SCCTD began to acquire diesel buses and build repair facilities.

In the 1980s, SCCTD embarked upon the construction of its light rail transit system, utilizing funding received from the federal government and the proceeds of additional voter-approved sales taxes. The first segment of the light rail system opened for service in late 1987, and the entire initial 21-mile system was completed in 1991. Four extensions of the system were completed by 2005, and additional extensions are currently in the planning stages.

SCCTD completed a two-part reorganization, in early 1995. SCCTD was designated the Congestion Management Agency for the County under a joint powers agreement among the County and its 15 cities. At the same time, legislation reconstituting the Board of Directors from five directors, all of whom were County Supervisors, to 12 consisting of two County Supervisors, five San José City Council members and five city council members representing the remaining 14 cities, selected on a rotating basis by the governing authorities of those cities. The name of the agency was changed to the Santa Clara Valley Transportation Authority in 1996, from which the acronym VTA was adopted.

Today, VTA is a complex, multi-billion-dollar enterprise that provides bus, light rail and paratransit services within Santa Clara County. In addition, VTA participates in funding other agencies that provide regional rail service, including Caltrain, the commuter rail line serving the San Francisco Peninsula, the Capitol Corridor operating between Silicon Valley and the Sacramento area, and the Altamont Corridor Express, connecting Stockton and San José. VTA also is responsible for county-wide transportation planning, including congestion management, the design and construction of highway, pedestrian and bicycle improvement projects, and the promotion of transit-oriented development.

Structure of the VTA Board

The present structure of the VTA Board was authorized by legislation effective January 1, 1995. In the legislation proposed by the County Board of Supervisors, the VTA Board was to have been composed of five directly elected members (corresponding to the five county supervisorial districts) and 11 appointed members of various elected bodies in the county. As ultimately adopted, the enabling legislation eliminated the directly elected directors. Instead, PUC Section 100060 provided for a Board consisting of 12 voting members and alternates, all of whom are elected public officials, with the allocation of Board representation generally based on population.

Under the formula outlined in PUC Section 100060, and further spelled out in Section 2-13 of the VTA Administrative Code, the VTA Board is composed of:

- Two voting members and one alternate who are members of the Santa Clara County Board of Supervisors;
- Five voting members and one alternate representing the City of San José;
- One voting member and one alternate representing the cities of Los Altos, Los Altos Hills, Mountain View and Palo Alto;
- One voting member and one alternate representing the cities of Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga;
- One voting member and one alternate representing the cities of Gilroy and Morgan Hill; and
- Two voting members and one alternate representing the cities of Milpitas, Santa Clara and Sunnyvale.

All the voting members and alternates, other than the County supervisors, must be currently serving as mayors or city council members of the city they represent. Each of the four groups of smaller cities may collectively determine their representative, and each group has adopted an agreement specifying, in varying degrees of detail, the manner in which the group's appointed representatives will rotate among the member cities and how individual representatives are to be selected.

PUC Section 100060(c) provides, importantly, that “[t]o the extent possible, the appointing powers shall appoint individuals to the VTA Board who have expertise, experience, or knowledge relative to transportation issues.” The VTA Administrative Code and the inter-city agreements contain similar directives.

In 2015, the Governance and Audit Committee of the VTA Board adopted a set of Guidelines for Member Agency Appointments to the VTA Board of Directors (Guidelines). The Guidelines

contain several recommendations emphasizing, among other things, the value of a candidate's expertise and prior experience on the VTA Board or its Policy Advisory Committee. The Guidelines also express the expectation that VTA Board members "[h]ave a fiduciary responsibility to vote for the best interests of the region, not those of their city/county group or appointing jurisdiction," and "should be able to attend Board and standing committee meetings regularly." A full copy of the Guidelines is attached as Appendix A.

In addition to the voting members and alternates, the VTA Administrative Code provides that members of the Metropolitan Transportation Commission (MTC) who reside in Santa Clara County, and who are not voting members or alternates, shall be invited to serve as ex-officio, non-voting members of the Board³. The VTA Board currently has one such ex-officio member.

VTA Board members serve for a term of two years⁴. The VTA Administrative Code "strongly encourages" appointing authorities to reappoint representatives to successive terms, and some members do serve multiple terms⁵. One director who recently left the VTA Board had served as a director or alternate representing San José and the County for a total of 13 years, but missed eight Board meetings in his last two years of service. The two voting directors currently representing the County have served as directors or alternates for a total of 14.5 and 12.5 years. The current Mayor of San José has served as a director for 11.5 years. However, many directors who serve on a rotating basis as representatives of the smaller city groups do not serve successive terms, and directors' two-year terms are frequently cut short when they are not re-elected, term out or otherwise cease to serve in their elected position.

PUC Section 100061 requires the VTA Board to elect its Chairperson and Vice Chairperson annually. Both officers serve for terms of one calendar year, straddling two fiscal years of the VTA (July 1 to June 30). By informal convention, the Vice Chairperson one year becomes Chairperson the following year.

³ VTA Administrative Code Section 2-15

⁴ PUC Section 100060.2

⁵ VTA Administrative Code Section 2-14

The VTA Board in Action

As noted above, the VTA Board consists of a rotating group of elected public officials appointed by the County Board of Supervisors, the City of San José and the four groups of smaller cities. Although the PUC, the VTA Administrative Code and the Guidelines all admonish the appointing authorities to appoint VTA Board members who have appropriate expertise, experience and knowledge, as a practical matter, appointments are often made based more on political considerations than on the candidate's qualifications. From the candidate's point of view, appointment to the VTA Board, one of the largest agencies in the County, is generally considered a plus for his or her political advancement. Candidates often express an interest in serving on the VTA Board largely because they see service on the Board as a "resume builder." As a result, appointees to the VTA Board often have no previous experience with transportation, finance or leadership of a commercial enterprise, let alone one with annual revenues of over a half billion dollars and assets of \$5 billion. New directors often know little about VTA's operations or finances, or the organization and functioning of the Board. In our interviews, the Grand Jury learned that one director was unclear about how directors were chosen or even how many directors there are. Another, representing one of the smaller city groups, was unfamiliar with the provisions of the inter-city agreement governing appointments to the Board and considers appointments as simply the political prerogative of the mayor of the city whose turn it is to make the appointment.

Because new directors often have little or no experience with transportation agency operations or transit policy, they face a steep learning curve to even begin to become effective Board members. There is no "boot camp" for new directors. The orientation program provided by the VTA staff is brief and presents only a high-level overview of VTA and basic information regarding Board procedures. When speaking with the Grand Jury, some directors couldn't recall going through any orientation at all.

Workshops are conducted by the VTA staff, generally about twice a year, to provide background information to the directors, often focusing on a specific issue. These workshops are relatively short, sometimes poorly attended and often cancelled. For example, both director workshops scheduled to be held in 2018 were cancelled. A workshop held on February 22, 2019, ambitiously addressed the important and complex topic of "The Future of Transportation in Silicon Valley." The workshop was attended by eight of the 12 voting members of the VTA Board, three of the six alternates and the ex officio member and lasted a little over three hours. Needless to say, the workshop merely scratched the surface of the topic. A few Board members have attended transportation-related, third party-sponsored programs and seminars on their own initiative to enhance their knowledge on issues of transportation management and policy. There is no formal policy requiring or encouraging attendance at external training programs or conferences or other forms of continuing education.

Influence on the VTA Board

The City of San José dominates the VTA Board with the ability to appoint five of the 12 directors, which should not be unexpected given San José's share of the County's population. Although the San José directors technically are appointed by the San José City Council, the Mayor recommends those appointments. Thus, the Mayor effectively controls the initial selection of the San José directors as well as their tenure on the Board and, therefore, has the ability to exercise considerable influence over a substantial portion of the VTA Board. Since some members of the County Board of Supervisors who have served on the VTA Board previously served on the San José City Council or represented supervisorial districts within San José, these relationships may further enhance San José's dominance on the VTA Board.

Given that representatives of the City of San José and the County Board of Supervisors are often able to serve multiple terms on the VTA Board, they gain experience and the ability to add value. However, representatives of the smaller city groups are subject to the rotational provisions of their inter-city agreements, limiting their ability to serve consecutive terms. Accordingly, the San José and County representatives often dominate the Board in terms of experience and influence as well as numbers. Current voting members of the VTA Board representing San José and the County have served an average of 4.3 years and 10.5 years, respectively, including non-concurrent terms but excluding service by some of them as alternates. However, the current voting members representing the smaller cities have served an average of only 1.9 years.

Board Member Preparation

All of the members of the VTA Board are primarily focused on their other duties as local elected officials; their position on the VTA Board is clearly of secondary importance to most, if not all, directors and, as noted above, viewed by some principally as a "resume builder" and a one day a month job. Directors confront their other duties as elected officials and, in the case of smaller city directors, private employment or business interests, which themselves may be demanding and time-consuming.

Directors often find it difficult to digest the massive amounts of information provided to them by the VTA staff to help them fulfill their responsibilities and prepare for meaningful participation in Board meetings. For example, meeting materials for VTA Board meetings typically run more than 300 pages, and committee meeting packages can be as voluminous. Here too the representatives of the smaller city groups are at a disadvantage. While members of the County Board of Supervisors and the San José City Council have dedicated staffs that can help them review and distill VTA-supplied materials and analyze issues, the representatives of the smaller city groups have little or no staff support. Although members of the VTA staff make themselves available to

meet with directors to discuss VTA business, particularly in advance of monthly meetings, the Grand Jury learned that some directors take little or no advantage of these opportunities.

VTA Committees

Like many complex organizations — both governmental and private — the VTA Board maintains a system of standing committees. These include the Administration and Finance Committee, the CPC, and the Governance and Audit Committee, among others. The Board also has a number of advisory committees and occasionally appoints ad hoc committees to deal with specific matters. For example, the Ad Hoc Financial Stability Committee (which will be discussed further in this report) was formed in January 2018 and was active throughout 2018.

The Board's committee structure is both a benefit and a detriment. Because Board members have other public and private commitments, it is challenging to deal with all the complex issues affecting VTA; thus, delegation of certain responsibilities is necessary.

On the other hand, the committee structure tends to create a certain level of disengagement. Board members are assigned by the Chairperson to serve on standing committees. Several interviewees expressed the opinion that committee assignments are often made with little or no input from the affected Board members, and some committee members only learn of their appointment when they see their name on a list. Because of their various time commitments, Board members often are unfamiliar with or just defer to and trust the staff and their fellow directors regarding issues passed upon initially by committees of which they are not members. When those issues come before the full Board, often by way of its consent calendar, there is little or no discussion or debate. In some cases, matters of some significance are also placed on the consent calendar at the committee level, with the result that only the staff conducts any significant review of the matter. This system works well for some topics, like the approval of construction contracts, but can leave many directors uninformed about important topics to which the full Board should be attentive. Topics like monitoring VTA's financial affairs and structural financial deficit (which is principally left to the Administration and Finance Committee) and major ongoing capital programs, which are monitored by the CPC demand full engagement by all directors. At the October 2018 Board meeting, in reference to a report on the consent calendar, one of the directors stated, "Instead of going to committee, this type of report should go to the full Board...We should have [Board] workshops on several of these reports."

Alternate VTA Board Members

Like the use of committees, the system of alternate Board members has both advantages and disadvantages. Alternate members cannot vote at meetings except when they are attending in place of a voting member. Accordingly, alternate members often do not attend Board or committee meetings. If they attend meetings at all, they typically sit in the audience and do not participate. The existence of alternate Board members is useful in securing a quorum at Board and committee meetings when a voting member is absent. However, the availability of an alternate can serve as justification for voting members to make meetings a lower priority. Additionally, because alternate members frequently are called upon at the last minute, they may be even less prepared than voting members with the agenda and meeting materials. The alternate faces the decision to vote on matters in accordance with his or her own beliefs and opinions, or to vote the way he or she believes the voting member being replaced would have voted. This type of voting “by proxy” is inconsistent with good governance practices and would not be permitted by members of a corporate board of directors.

VTA Board Meetings

The VTA Board meets once a month in the evening. Board committees meet between three and 11 times a year. Attendance at Board and committee meetings varies greatly. Data compiled by the Grand Jury show that during 2017, 2018 and the first four months of 2019, attendance by voting members at Board meetings and workshops averaged approximately 87%. Individual attendance ranged from 61 to 92%. During the same period, attendance by voting members at committee meetings averaged approximately 86%. Often, directors arrive at meetings late, step away from the meeting, or leave early, but their partial participation is not always reflected in the attendance records. The conduct of Board meetings observed by the Grand Jury is characterized by limited debate and discussion, typically with active participation by only a few directors and some directors not participating at all.

The Board does very little on an ongoing basis to monitor and assess directors’ performance. The Grand Jury learned from our interviews that guidelines were developed to aid the Board in measuring its effectiveness, but no action has been taken to implement these guidelines. Board members receive a self-assessment questionnaire at the end of the year, but, according to several interviewees, many are not completed or returned, and no action is taken to follow up or seek feedback.

VTA Board Effectiveness

In short, the VTA Board suffers from:

- a lack of experience and continuity by many directors;
- dominance, in terms of numbers, seniority and influence, by representatives of San José and the County;
- inadequate time for the directors to devote to the Board's oversight and policy-making functions;
- a lack of engagement by some of the directors, fostered in part by the committee system, resulting in VTA functioning largely as a staff-driven organization; and
- conflicts of interest, which are often irresolvable, between the directors' fiduciary duty to VTA and its regional role, on the one hand, and the political demands of their local elected positions, on the other.

In assessing the effectiveness of VTA, several preliminary observations are in order.

First, nothing in this report is meant to suggest that the members of the VTA Board are not honorable and hard-working public servants who are doing their best to perform the duties of a very difficult position under extremely difficult circumstances.

Similarly, the Grand Jury has found that the VTA senior management staff is a competent team of professionals doing their best to run a very complex organization within the policy guidance provided by the VTA Board. As one member of the Board stated at the February directors' workshop, "the staff is like a racehorse that we are keeping in the starting gate." For their part, members of the senior staff are sometimes reluctant to draw the Board's attention to matters of concern where they realize there is political resistance on the part of some directors and feel that raising an issue would be a waste of time. Some senior staff members are frustrated by what they perceive as an unwillingness of the Board to support needed action or make important changes at the policy level. Several staff members pointed to other transit districts, such as those in Portland, Austin and San Diego, as agencies whose policymakers are prepared to make tough decisions and take risks to improve public transit. According to some staff members and directors, this frustration, in part, has resulted in a general decline in morale at the senior staff level. The process used in the recent reorganization of senior staff responsibilities has contributed to additional morale problems. Some key members of senior management have recently announced that they will be leaving VTA.

The Grand Jury also recognizes that many of the problems facing VTA are not unique to it as a transit organization or to the specific geographic or demographic characteristics of the Silicon Valley. Like many other transit organizations, VTA must deal with nationwide transportation trends, including increasing congestion and competition from ride-hailing companies and corporate-run employee bus services, as well as looming challenges posed by autonomous, driverless vehicles. Moreover, operating a transit system in a largely suburban region presents greater challenges than are typically faced in more densely populated urban areas, having concentrated downtown business centers. It is because of the complex and evolving nature of the problems facing VTA that active and enlightened Board oversight and strategic vision are more essential than ever to the organization's future success.

Having those observations in mind, the Grand Jury has noted that VTA and the VTA Board have been subject to criticism over the years from various quarters. As described above, the 2003-2004 and 2008-2009 Grand Juries were critical of the Board and its governance structure. However, criticism of the management and Board of VTA has not been limited to the Civil Grand Jury. A number of investigations, studies and articles, including the Hay Report which was commissioned by VTA itself, have criticized VTA's operational and financial performance and the effectiveness of VTA governance. In 2007, one writer referred to VTA as possibly "the nation's worst managed transit agency, at least among those serving big cities."⁶ Even members of the VTA Board have questioned the Board's effectiveness. For example, at a meeting of the VTA Board in October 2018, one director made the comment, "we have to break the mold of 'same ole, same ole'...Board, we have to step up and change things." Upon assuming her position in January 2019, the current Chairperson of the VTA Board announced that she would "convene a board working group [later designated the Ad Hoc Board Enhancement Committee] to look at a range of board governance practices" with a view to improving "board engagement and effectiveness."⁷ At the Board workshop in February 2019, the participating directors, by a unanimous show of hands, agreed that VTA needs to make "radical changes" to address its many challenges. As one director put it, "We just had a workshop where we had a long conversation and we pretty much had a consensus where we have to do things differently and think outside the box." The Ad Hoc Board Enhancement Committee held its first meeting on May 29, 2019.

A complete review and assessment of the operations and management of VTA is far beyond the means of the Grand Jury or the scope of this report. Accordingly, the Grand Jury has chosen to focus its attention on the consideration of the effectiveness of the VTA Board's oversight and policymaking, as exemplified by three areas of concern:

- VTA's poor and continually deteriorating operating performance;

⁶ "The Nation's Worst Transit Agency", The Antiplanner, March 26, 2007

⁷ <http://santaclaravta.igmm2.com/Citizens/FileOpen.aspx?Type=12&ID=2133&Inline=True> . See section 8.2 of Minutes for the January 9, 2019 Board of Directors meeting.

- the VTA Board's inadequate oversight of the agency's financial performance and its structural financial deficit; and
- the VTA Board's unwillingness, to date, to reconsider the merits of significant pending capital projects that may be indicative of its general ability to guide the organization strategically.

VTA's Operating Performance

VTA Operating Trends

The 2003-2004 Grand Jury reviewed VTA's operations and found that its operating performance compared unfavorably to its own benchmarks as well as the performance of peer agencies. Among other things, its report noted that:

- VTA's operating costs had risen substantially faster than the rate of inflation; and
- Fares collected from VTA's passengers divided by VTA's operating expenses (referred to as the farebox recovery ratio) for the previous two years had been 11.6% and 12%, compared to the national average of more than 20%, meaning that the taxpayers of Santa Clara County were providing a much greater than average subsidy of transit operations.

The 2018-2019 Grand Jury again examined VTA's operating statistics and found that VTA's performance has continued to deteriorate over the past 10 years, relative to both its historical performance and the performance of its peers, across a wide variety of metrics, including continuing increases in operating costs and further reductions in farebox recovery.

Since the 2008-2009 recession, the population of Santa Clara County has increased by approximately 10.6%. During that 10-year period, bus and light rail vehicle revenue hours (VRH), which measures the amount of service VTA offers, increased by 6.4% while operations employee headcount (i.e., operators and maintenance personnel) grew by 8.9%. Total operations expense rose by 63.2% between 2009 and 2018, including a one-year increase of 17.1% between 2017 and 2018 alone. As operations expense increased, overall farebox recovery declined from 13.5% in 2009 to 9.3% in 2017 – substantially worse than the ratios that the 2003-2004 Grand Jury cited as unacceptably low back in 2004.

Meanwhile, despite increases in employment and income levels in Silicon Valley, the public's actual *use* of VTA's services (as measured by passenger trips on buses and light rail) dropped by 19.2% between 2009 and 2018 and by 14.8% in the last two years alone. According to U.S. Census Bureau data, in 2017 (the last year for which such data is available), public transit was used as a means of transportation to work by only 4.8% of Santa Clara County's commuters, little more than the combined percentage of those who walked or biked to work and fewer than the 5.3% who worked at home. Despite the declining use of transit during the last ten years, VTA continued to increase its employee headcount (both operations employees and administrative staff) and add to its fleet of buses and train cars, further increasing operating expense.

As a result of the dramatic increases in operations expense and the concurrent decline in ridership, VTA's cost per passenger trip for buses and light rail combined increased from \$5.61 in 2009 to \$9.30 in 2017, 90.5% of which was covered by taxpayer subsidies.

Detailed data regarding VTA's operations are shown in Appendix B, and the trends discussed above are depicted in Figure 1 below.

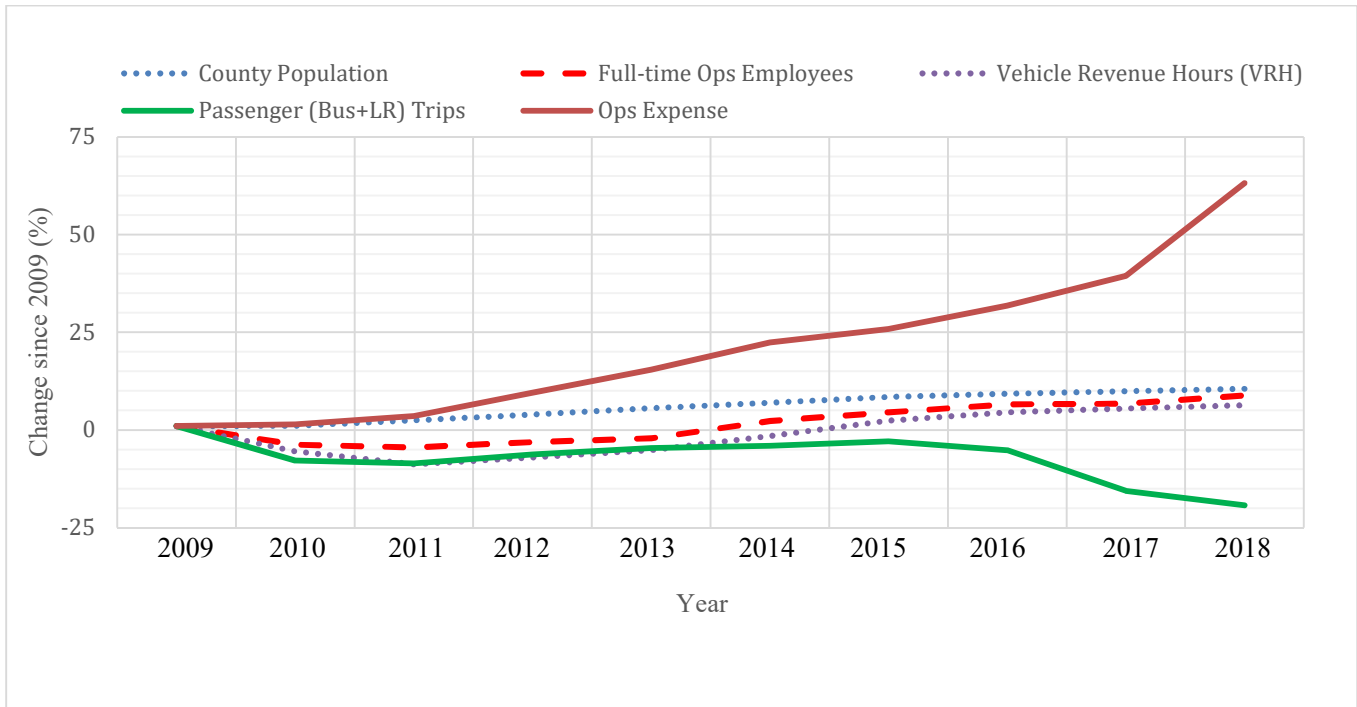


Figure 1 - VTA Operations Trends since 2009

Peer Agency Comparison

The FTA issues an annual NTD report summarizing nationwide data and trends for transit agencies throughout the United States. In its most recent survey, for 2017, the FTA reported that for transit agencies serving populations of more than one million people:

- Operating cost per passenger trip for buses and light rail ranged from a low of \$3.27 to a high of \$9.31 with VTA's cost per trip of \$9.28 nearly the highest in the nation;
- Operating expense per revenue hour ranged from a low of \$84.82 to a median of \$123.20 and a high of \$249.83 with VTA's operating expense per revenue hour of \$199.79 at about the top 10th percentile in the nation; and

- Farebox recovery for light rail systems (combined bus and light rail data was not available) ranged from 7.6% to 47.2% with VTA's light rail system farebox recovery of 7.6%, the lowest in the nation, requiring taxpayers to subsidize 92.4% of the cost of light rail service.

Since the FTA surveys contain data for more than 800 transit agencies, including many with operating environments that differ significantly from VTA's, the Grand Jury selected a cohort of ten peer agencies for further review using the following guidelines:

- Only agencies operating both buses and light rail systems were included;
- Only agencies serving urbanized communities with population and service areas generally comparable to VTA's were included; and
- Agencies identified as VTA's peers by interviewees or transit experts were also considered for inclusion.

Based on these guidelines, public transit agencies serving the metropolitan areas of Portland, Minneapolis, Houston, Dallas, Salt Lake City, Denver, San Francisco (SF), Sacramento and San Diego were chosen for comparison.

Comparisons of FTA operating data for the 10 peer agencies from 2009 through 2017 are shown in Appendix C. In summary, comparative data for three key metrics show the following:

- **Operating Cost per Trip:** VTA's operating cost per trip was the highest of all 10 peer agencies in each of the nine years. In addition, VTA's cost per trip increased by 65% over the period, second only to Sacramento's increase of 86%.
- **Passenger Trips per Revenue Hour:** The effectiveness of VTA's service, as measured by the number of passenger trips per revenue hour, was consistently among the lowest of the peer group, and second lowest in 2017 and 2018. San Diego, with a lower population density than VTA's, achieved almost twice the ridership per hour as VTA in the last five years. Not surprisingly, San Francisco, with its significantly greater population density, consistently recorded the highest number of trips per hour.
- **Farebox Recovery:** VTA had the lowest farebox recovery in the peer group for its total operations since 2012.

Table 1 below summarizes VTA's operating performance in 2017 relative to the peer group.

Table 1 - VTA Operating Performance Versus Peer Group in 2017

Performance Measure		10-Peer Average	Best	Worst	VTA Rating
Service Effectiveness	Passenger Trips per Revenue Hour	34.0	63.8 (SF Muni)	23.4 (Dallas)	24.3 (2nd to last)
Service Efficiency	Operating Cost per Passenger Trip	\$5.30	\$3.00 (San Diego)	\$9.30 (VTA)	\$9.30 (Last)
	Farebox Recovery Ratio	21.5%	34.7% (San Diego)	9.3% (VTA)	9.3% (Last)

In short, while all VTA's peer agencies suffered declines in ridership over the last decade, all but one of the other agencies were more successful than VTA at controlling increases in costs.

It is important to note that, despite the continuing decline in key operating metrics, between 2016 and 2019, VTA's operations management has successfully improved performance in a number of significant areas, including: a 20% improvement in miles between major mechanical schedule loss; a 24% reduction in passenger concerns (complaints); a 3% improvement in light rail miles between chargeable accidents; and a 7% improvement in light rail on-time performance. In addition, the Grand Jury had direct experience utilizing VTA transportation services during our investigation and observed vehicles that were clean, performance that was generally on-time, and operators who were friendly and resourceful.

VTA's Financial Management

VTA is highly dependent on sales tax for its operating revenue. Currently, sales tax receipts provide approximately 80% of VTA's revenue, while farebox revenue provides about 7%. Remarkably, in an environment of robust population and economic growth, VTA's farebox receipts have decreased from \$36.2 million in 2009 to \$34.5 million in 2018, a decline of 5%. Over that same period, operating expenses have increased by a staggering 51%. Adding further pressure to VTA's revenue stream is the steadily decreasing contribution of federal operating grants, which peaked at \$59 million in 2010 and fell to \$3.8 million in 2018.

To address its revenue shortfall, VTA has begun to tap Measure A and Measure B sales tax receipts, originally earmarked for capital improvements, to help fund transit operations. For 2018 and 2019, the VTA Board approved the transfer of \$44 million and \$14 million, respectively, of these funds to supplement VTA's operating revenue. To further address the shortfall, VTA has drawn down its reserves to help fund operating deficits.

Given its history of low fare collections, declining ridership and uncertain governmental assistance, the answer would seem to be increased attention to cost management, with an emphasis on labor costs, by far the largest component of VTA's operating expense. However, VTA's combined operations and administrative headcount continues to rise each year despite the decline in ridership. The Grand Jury found the VTA Board has not vigorously addressed these issues through its budget process by embracing the type of comprehensive cost management strategy that is called for by the environment of limited resources in which VTA is currently operating.

The 2018-2019 Budget Process

VTA operates on a biennial budget cycle with a budget for the following two fiscal years adopted in June of each odd-numbered year. The proposed budget is reviewed by the Administration and Finance Committee and forwarded to the full VTA Board with the Committee's recommendation.

The proposed 2018-2019 budget, as recommended by a three-to-one vote of the Administration and Finance Committee in May 2017, showed projected operating deficits of \$20 million and \$26 million for fiscal years 2018 and 2019, respectively, and similar deficits for subsequent years. Taking into account the annual need for local funds on the order of \$30 million to support VTA's capital programs, the total gap between projected revenues and expenses (referred to as a structural financial deficit) contemplated by the budget was between \$50 and \$60 million. Compounding the widening budget gap was the fact that, over the preceding six years, operating expenses had grown twice as fast as revenues, and VTA had consistently failed to meet its ridership and farebox recovery projections. For example, in fiscal years 2016 and 2017, VTA's farebox recovery had fallen short of budget projections by 7.3% and 18.9%, respectively.

Nevertheless, rather than undertaking a thorough review of the proposed budget and making hard decisions regarding meaningful reductions in operating and capital expenses, or even sending the budget back to the Committee for further study, the VTA Board adopted the budget on June 1, 2017, by a vote of eleven to one, thereby assuring operating deficits for the following two years.

To no one's surprise, the projected operating deficits materialized and were largely funded by drawing down VTA's reserves. Capital reserves, which had stood at \$49.5 million at June 30, 2017, had been depleted to \$5 million by the middle of the following year.

Ad Hoc Financial Stability Committee

In January 2018, the incoming Chairperson of the VTA Board recognized that some action had to be taken to address the structural deficit problem, which had become critical. Rather than engaging the full Board, for example by convening an all-day workshop, to address the problem that the Board and the Administration and Finance Committee should have been actively monitoring all along, the Chairperson chose to create an Ad Hoc Financial Stability Committee. The Committee was chaired by an ex officio member of the Board and included only two actual voting directors. The Committee then invited a group of approximately 12 "stakeholders" to participate. Stakeholders included employees, representatives of organized labor and several individuals from community organizations – each with their own agenda, but none with the fiduciary duty to make tough policy decisions solely in the best interests of VTA and County taxpayers. As the 2003-2004 Grand Jury report noted, "[i]t is the fiduciary responsibility of the Board, not a committee, a business lobbying group, or business community leaders, to provide oversight and direction" regarding VTA's operations and financial management.

The use of an ad hoc committee was hardly a new concept for the VTA Board. The Board had historically followed a pattern of waiting for a financial crisis to arise and then appointing an ad hoc committee. That committee would attempt to deal with the crisis and come up with a fix. In most cases, the fix would last a few years, relying primarily on new sources of revenue that would hopefully emerge. However, in any event, the composition of the Board — and responsibility for dealing with the problem — would have changed. The Board would then realize that another financial crisis was taking place, and the process would be repeated. Most recently, Ad Hoc Financial Stability Committees had been formed to deal with financial crises in 2001 and 2010.

The Ad Hoc Financial Stability Committee met sporadically between March and December 2018 to discuss the structural deficit, its implications and potential cost-saving measures. Three of the nine scheduled meetings were cancelled. At a meeting of the Committee in August 2018, in response to a question, VTA's Chief Financial Officer underscored the urgency of VTA's financial situation by stating that VTA could continue its operations for no more than 18 to 24 months before

going “off a cliff.” On June 20, 2018, the Committee held a three-hour workshop to discuss strategies and solutions to address the budget and structural deficit. During the workshop, the stakeholders broke out into working groups to consider possible solutions. Although no consensus was reached, a wide variety of suggestions were made, which were reviewed by the VTA staff and discussed at subsequent meetings. These recommendations included, among other things, substantial fare increases, implementation of wage cuts, a hiring freeze, a reduction of fleet size, and a delay of further capital expenditures on light rail expansion.

At its final meeting in December 2018, the Ad Hoc Financial Stability Committee concluded that the defeat in November of a ballot measure to repeal fuel taxes and vehicle fees (California Proposition 6) and the collection of sales tax on out-of-state sales beginning at some unspecified point in the future (later determined to be April 2019) would infuse additional revenues into the budget. The fuel and vehicle monies would result in an additional \$23 to \$27 million per year in annual revenues. The sales tax would, when implemented, increase revenues by \$5.5 million per year. After these painless fixes, the Committee then addressed the annual structural deficit of approximately \$25 million that still remained by proposing three initiatives:

- reducing the proposed increase in bus and rail service hours – not from their actual fiscal 2018 levels, but from the even higher levels originally budgeted for fiscal year 2019 as a part of VTA’s Next Network program – saving approximately \$15 million annually;
- a fare increase indexed to inflation, saving approximately \$2 million annually (which was subsequently deferred until 2021); and
- a voluntary early-retirement program projected to save another \$1 million annually.

After six meetings over a nine-month period (including the three-hour workshop) involving three directors and a dozen stakeholders, as well as untold hours of VTA staff support time, the Ad Hoc Financial Stability Committee recommended a total of only \$18 million in projected cost savings to address the remaining \$25 million deficit target, leaving a \$7 million gap unaddressed. Several serious cost-cutting measures brought forward at the workshop were not actively considered. At its meeting, on December 6, 2018, the VTA Board unanimously accepted the recommendations of the Committee, and the Committee stood down.

By any measure, the VTA Board’s oversight of the agency’s financial affairs, as exemplified by its adoption of the 2018-2019 budget and the handling of the built-in structural financial deficit, has been weak and ineffective. The inability of the VTA Board to meaningfully address the deficit can be attributed, in part, to the lack of financial expertise on the Board, a lack of preparation and engagement on the part of some directors — exacerbated by the delegation of the problem to the Ad Hoc Financial Stability Committee — and the VTA Board’s inability or unwillingness to deal

with controversial and politically-charged topics such as labor costs and expensive capital programs.

The 2020-2021 Budget Process

The VTA Board will consider VTA's proposed biennial budget for fiscal years 2020 and 2021 at its meeting on June 6, 2019. The proposed budget shows net surpluses of approximately \$2 million in 2020 and \$4 million in 2021. However, the proposed budget does not take into account the outcome of pending labor negotiations with the Amalgamated Transit Union (ATU) that have been ongoing since August 2018. VTA has reported that its current proposal to the ATU, if accepted, would result in a total additional cost of \$30.9 million over the next three years. Since the VTA's proposal is the best possible outcome of the negotiations, the budget understates expenses and virtually assures continuing deficits. Other risks acknowledged in the budget could further increase these deficits.

The Extension of Light Rail Service to Eastridge

Light Rail in the United States

Light rail transports people using electric motive power and light-weight rails (hence the name). Light rail transit (LRT) systems, originally called trams or trolleys, evolved in the early 1900s to move employees to businesses and industries located in downtown or central business districts. They were less expensive to build than traditional heavy railway systems, and the cars were likewise less expensive to build and operate.

In the late 1960s, private transportation companies, including those that operated LRT systems, began to struggle financially and subsequently were transitioned to public ownership with the expectation that better public transport could be achieved using a mix of city, state and federal funding.

LRT systems in the United States have not met the original expectations of transit planners or the public. Coupled with the downward trend of public transit ridership and expanding infrastructure regulations, LRT systems have experienced ever-increasing installation and operations costs. Due in part to its high costs and fixed routes, light rail is now viewed by many industry experts as a technology whose time has passed. In October 2017, Randal O'Toole, a senior fellow with the Cato Institute and a recognized expert in light rail policy analysis, recommended the following:⁸

“First, transit agencies should stop building rail transit. Buses made most rail transit obsolete nearly 90 years ago. Buses can move more people faster, more safely, and for far less money than light rail, meaning light rail was obsolete even before San Diego built the nation’s first modern light-rail line in 1981.” ...

“Second, as existing rail lines wear out, transit agencies should replace them with buses. The costs of rehabilitating lines that have suffered from years of deferred maintenance is nearly as great as (if not greater than) the cost of building them in the first place.”

Cities whose densities and post-automobile development sprawl aren’t particularly suitable for efficient light rail service have begun to reexamine the viability of constructing, operating and maintaining expensive light rail systems. For example, in March of this year, the Phoenix City Council voted to delay and likely kill an ambitious expansion of its existing light rail system. Calling it a “train to nowhere,” city leaders determined that the reallocation of capital funds from light rail to an expansion of a flexible bus system and the repair of a deteriorating road system would be a better use of the taxpayers’ money and have a more positive impact on transit

⁸ “The Coming Transit Apocalypse”, Randal O’Toole, Cato Institute, October 2017

effectiveness.⁹ A Phoenix Arizona initiative measure that will be on the ballot in August 2019 proposes to halt six additional light rail extension projects that were previously approved by the Phoenix voters in 2015 and forbid the city from funding any other future light rail extensions.¹⁰

VTA's Light Rail System

Santa Clara County's LRT system, first proposed in the early 1980s, was conceived as a loop connecting to a future integration of Bay Area Rapid Transit (BART) and the San José Airport with transfer points throughout the County with feeder lines to support access to and from the loop to business and residential areas. The intent was to transport large numbers of residents quickly — at upwards of 55 mph — and cost-efficiently to and from jobs, entertainment and shopping, and to link San José and Santa Clara County with the entire BART system. As funding issues arose and interest group views emerged, the loop concept was abandoned in favor of direct spoke-like connections between downtown centers (e.g., San José) and various residential and business areas.

VTA's LRT began service in December 1987 with a 6.8-mile corridor between Santa Clara and downtown San José. An additional 14.3 miles were added by 1991 in 5 separate extensions (under the auspices of the SCCTD). VTA then followed with 4 more extensions: into Mountain View (1999), Milpitas (2001), East San José (2004) and the last corridor, Diridon to Winchester, completed in October 2005. The ultimate construction cost of this system was almost \$2 billion. Today, VTA operates a 3-line LRT system consisting of 42 route miles, 61 stations and 21 park-n-ride lots. Due to unprecedented declines in revenues beginning in 2008, the implementation plan for further light rail expansion was modified to provide for construction of additional extensions in phases. Two significant extensions, to Eastridge and Vasona Junction, remain under consideration by VTA.

Overly optimistic ridership projections justified the construction of the \$2 billion light rail system in an environment that did not have the trip densities necessary to support this mode of transit. The federal government had its own doubts and initially did not approve funding, thereby creating the necessity of funding the project, in part, with local tax measures.

As suggested above, the design and layout of the VTA LRT system deviated from the initial concepts, largely driven by political and financial considerations rather than strategic decisions. Despite the high capital costs of the system, the airport remains inaccessible directly via light rail, there is uneven access to jobs, entertainment and shopping, and operating speeds are far below

⁹ "Phoenix Votes to Delay, Likely Kill, West Phoenix Light-Rail Line", Jessica Boehm, Arizona Republic, March 21, 2019

¹⁰ "Phoenix Voters Could Kill Light Rail to These 6 Neighborhoods", Jessica Boehm, Arizona Republic, April 15, 2019

those expected or technically feasible. VTA LRT has been in operation for over 30 years but continues to underperform in effectiveness and ridership.

VTA LRT Operational and Financial Challenges

Since its inception, VTA's light rail system has struggled with operational and financial inefficiencies caused by low ridership and high operating costs. Despite a vibrant local economy with burgeoning job growth and population expansion, the public's interest in and utilization of light rail has deteriorated. Over the past ten years, light rail ridership has declined by 21% and, currently, fewer than 1% of Santa Clara County residents regularly utilize light rail. During the same period, the farebox recovery ratio for light rail has declined 36%. In just the past *five* years, light rail ridership has declined 15% while operating expenses have increased 54%. Meanwhile, VTA has continued to increase capacity without a corresponding demand for its product, resulting in higher operating costs of which less than 8% is covered by fare revenue. Put more bluntly, the taxpayers pay for more than 92% of the LRT system's operating costs. VTA has failed to accurately estimate the ongoing operating and capital costs of maintaining the light rail system, a fact that has led, in part, to its recurring financial deficits.

Table 2 below outlines metrics comparing operations of VTA's light rail system versus its peers (using 2017 NTD data) that reveal its poor performance, including:

- Cost per Passenger: Highest among peers (\$11.61)
- Subsidy per Passenger Trip: Highest among peers (\$10.73)
- Operating Cost per Hour: Highest among peers (\$487.58)
- Farebox Recovery Ratio: Lowest among peers (7.6%)
- Passenger Trips: Lowest among peers (9.1 million miles)
- Passengers Boarded per Hour: Second lowest among peers (42)

Table 2 - VTA Light Rail Peer Statistics (2017)

Peer Agency Name	Service Area Population	Route Miles	Fare Revenue Earned (\$Ms)	Total Operating Costs (\$Ms)	Farebox Recovery Ratio	Operating Cost per Hour	Boardings per Hour	Passenger Trips (Ms)	Cost per Passenger	Revenue per Passenger	Subsidy per Passenger
Santa Clara VTA	1,664,496	42.2	\$8.06	\$106.0	7.6%	\$487.58	42	9.1	\$11.61	\$0.88	\$10.73
Sacramento Regional Transit District	1,723,634	42.9	\$14.80	\$67.8	21.8%	\$272.55	46	11.4	\$5.93	\$1.29	\$3.64
Dallas Area Rapid Transit	5,121,892	93	\$27.71	\$175.2	15.8%	\$356.20	61	29.9	\$5.84	\$0.92	\$4.92
Denver Regional Transportation District	2,374,203	58.5	\$38.16	\$115.2	33.1%	\$145.09	31	24.6	\$4.67	\$1.55	\$3.12
San Francisco Municipal Railway	3,281,212	36.8	\$39.22	\$213.8	18.4%	\$368.95	88	50.9	\$4.19	\$0.77	\$3.42
Houston Metropolitan Transit Authority	4,944,332	22.7	\$5.97	\$65.2	9.2%	\$227.04	63	18.3	\$3.56	\$0.33	\$3.23
Portland Tri-County Metropolitan Transportation District	1,849,898	60	\$49.38	\$138.8	35.6%	\$222.51	63	39.7	\$3.49	\$1.24	\$2.25
Salt Lake City Utah Transit Authority	1,021,243	44.8	\$17.97	\$64.7	27.8%	\$180.35	52	18.8	\$3.44	\$0.95	\$2.49
Minneapolis Metro Transit	2,650,890	23	\$24.14	\$70.9	34.0%	\$166.23	55	23.8	\$2.98	\$1.01	\$1.97
San Diego Metropolitan Transit System	2,956,746	53.5	\$38.97	\$82.5	47.3%	\$168.24	76	37.6	\$2.19	\$1.04	\$1.15

Legend: Ms = value in millions

Worst in peer group

2nd worst in peer group

In light of the VTA LRT system's intrinsic design issues, unacceptably slow speeds in portions of its routes, extremely high operating costs and the lack of ridership and revenue to support those costs, a case can be made for dismantling or phasing out the light rail system altogether. At a meeting of the CPC on March 28, 2019, a member of the VTA staff responded to a question from a Board member by confirming that operating costs could be cut in half and farebox recovery doubled if a bus-only system were deployed. In fact, light rail operating expenses are closer to three times the cost of bus operations, but the point remains that a large reduction in the taxpayer subsidy of VTA operations could be achieved by focusing future investment in transit solutions other than light rail, as Phoenix has decided to do. One director noted at the March 28, 2019 CPC

meeting, “We have to really broaden our thought process with regard to light rail. The worst position that VTA can get into is being the last transit agency to be deploying an old technology.”

The Eastridge LRT Extension

Although operating statistics demonstrate the high cost and inefficiency of light rail as a mode of transportation, the VTA Board has continued to consider construction of two additional light rail extensions that would require additional capital outlays in the hundreds of millions of dollars.

These two extension projects, to Vasona Junction and the Eastridge Transit Center, have been in the planning stage for years, have been the subject of countless VTA staff studies and reports and have been considered by the Board and its committees, particularly the CPC, at numerous meetings. Finally, at its meeting on March 28, 2019, the CPC approved placing the Vasona project on an indefinite hold, based on its capital costs, high operating costs and projected ridership that failed to meet VTA’s minimum criteria for a new project. However, the Eastridge project remains alive.

The proposed Eastridge light rail extension is part of a two-phase project. Phase 1 of the project, which included conceptual design, pedestrian and bus improvements, and improvements of the Eastridge Transit Center, has been completed. Phase 2, which is now referred to as the Eastridge-BART Regional Connection, or EBRC, would add a 2.4-mile rail line and related infrastructure connecting the Alum Rock Station and the Eastridge Transit Center. In the original design, most of the rail extension was to have been constructed at street level on Capitol Expressway. The design was subsequently changed to an elevated track above the roadway for the entire 2.4 miles at an estimated additional cost of \$75 million, which would enable the trains to run at higher speeds. The total cost of the project, which was originally estimated at \$377 million, is now projected to be \$599 million, of which \$146 million has been spent on Phase 1, and \$453 million would be spent on Phase 2 (\$13 million has been spent to date on design and other preparatory work). If Phase 2 is continued, work is currently estimated to be completed in 2025.

Table 3 below outlines the cost and status of the Eastridge project*:

Table 3 - Eastridge (EBRC) Phases, Costs and Status

Project	Cost	Sub-total Cost	Status	Notes
Concept	\$11M		Completed	
Original Construction	\$56M		Completed	
Phase 1 – pedestrian improvements	\$19M		Completed	
Phase 1 – bus improvements	\$60M		Completed	Eastridge Transit Center
Phase 1 sub-total	-	\$146M		
Phase 2 – EBRC various studies/design	\$13M		Initial design work completed	
Phase 2 – EBRC completion (2023-25)	\$440M		Under review	Does not meet minimum operations criteria until well after 2025
Phase 2 sub-total	-	\$453M		Plus \$2-3M per year in new operational costs
Project total	-	\$599M		Costs almost \$250 million/mile

*Data from VTA CPC Agenda Packet item #7, pages 36 and 37, dated March 28, 2019 and updates presented in the Board of Directors meeting on April 4, 2019.

The VTA Board has considered various aspects of the Eastridge project more than 20 times since 2000. Each time, the Board has made a decision that allowed work on the project to continue, often kicking the ultimate decision on the fate of the project down the road by noting that its current decision was not the final word on the project and that there would be opportunity for further consideration of the project and final approval at a future date.

For example, at its meeting on May 3, 2018, the Board considered the viability of the light rail extension to Eastridge. After a lengthy discussion, the Board approved a funding strategy for proceeding with the project, but the Chairperson noted that there would be still more decision points at which the project could again be considered by both the CPC and the full Board. At the same time, the Board approved a resolution authorizing a staff study of alternatives to light rail for the Eastridge extension. VTA staff has confirmed that, a year later, this study still has not been completed.

At the March 28, 2019 meeting of the CPC (at which the Committee agreed that the Vasona Junction extension should be put on hold), Phase 2 of the Eastridge project was again considered. At the meeting, the Mayor of San José, serving as Chairperson of the Committee, asked the following question, “Is the current light rail system one we want to continue to invest in? Our ridership is challenged. Our cost-effectiveness system-wide is 10% on farebox return [it is actually less than 10%]. That 10% is already among the very lowest in the nation in terms of farebox

return, and light rail actually hurts us. The question is: what does the process look like for us to be re-evaluating the entire system to see if we want to start thinking differently about the entire light rail system? *I hate to think we are doubling down on a failed system.*” Another committee member echoed that sentiment, noting, “We have to choose our transportation modes in a cost-effective and efficient manner. *I support to do additional evaluation of what is needed for that corridor. The train has not left the station on Eastridge.*” Yet, after a lengthy discussion about an overall re-evaluation of light rail before proceeding with the Eastridge extension, no concrete action was taken in that direction, and both of these directors joined with a third to support a motion to move forward with the project and kick the ultimate decision down the road yet again. The vote was three to two in favor of the motion, but it failed for lack of the required four aye votes needed to pass.

The fate of the Eastridge extension project is now once again in the hands of the VTA Board, and its final resolution will be a test of the Board’s leadership. The issue will be considered by the Board again at its meeting on June 6, 2019. Although the subject of the extension was not on the agenda at the Board’s May meeting, the Mayor of San José signaled his intentions. Despite the comments he made at the March CPC meeting, the Mayor stated, “I will vote to proceed immediately with the construction of the Eastridge transit project when it comes before the VTA Board in June. I expect we will move forward without delay.” The investigation of the Grand Jury report was completed on May 29, 2019, and this report does not reflect any actions taken at the June 6, 2019 meeting.

As pointed out above, the remaining capital cost to complete the 2.4-mile extension is currently estimated at \$453 million, or almost \$189 million per mile. According to most recent staff projections included in the May 2019 EBRC Supplemental Environmental Impact Report (SEIR), the new light rail extension would attract approximately 611¹¹ new riders (net of a reduction in bus ridership on the existing bus lines that run parallel to the proposed rail extension) by 2025. Therefore, the additional capital cost would be equal to approximately \$720,000 for each new rider in the first year of service. Once completed, the Eastridge extension would become part of an outmoded light rail system that is one of the most expensive and heavily subsidized LRT systems in the country, with declining ridership and operating costs more than double the cost of bus operations. The extension, upon completion, is projected to have a miniscule impact on transit usage in the East San José/Milpitas corridor over the next 24 years (i.e., an increase of only 0.07% by 2043 and just over half that when service begins).¹² Moreover, the current design permanently *removes* two existing high occupancy vehicle (HOV) lanes from the Capitol Expressway, without any foreseeable commensurate reduction in automobile traffic, a fact that may not be widely

¹¹ EBRC SEIR, May 2019, page 71, Table 5.1-11. [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/EBRC_Vol1_FSEIR-2%20\(1\).pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/EBRC_Vol1_FSEIR-2%20(1).pdf)

¹² EBRC SEIR, May 2019, page 72

understood in the East San José community. As noted in the SEIR, “[t]he proposed removal of the HOV lanes would result in higher average automobile delays and higher automobile travel times on Capitol Expressway.”¹³ Further, despite claims that the Eastridge Transit Center is among the busiest in the VTA system, there is an average of only seven riders per bus trip into and out of that center.

Based on our interviews, the Grand Jury has found virtually no support for the project among the VTA staff, although they continue to move the project forward in compliance with incremental policy decisions made by the VTA Board.

The argument supporting the Eastridge extension is essentially political. The extension was one of 13 transportation improvement projects envisioned by Measure A and passed by the voters in 2000. For various reasons, most related to budget challenges brought about by the dot com “bubble” in the early 2000s and the later economic recession, the implementation of the Eastridge project has been delayed, along with some of the other Measure A projects. In the interim, the once-promising LRT system has become technically outmoded and increasingly expensive.

Yet, proponents of the extension, including powerful political forces, contend that the periodic, incremental approvals of the project by the VTA Board that have kept the project alive over the years have reinforced a “promise” to complete it, even though the VTA Board has both the right and the duty to re-evaluate capital projects when they are no longer viable. Proponents also contend that completion of the project is a matter of “economic equity,” balancing the needs of a relatively low-income, transit-dependent area of Santa Clara County with the type of transit services provided elsewhere in the County (although, as noted above, the Vasona Junction project that was to have served the Los Gatos area was recently put on hold).

The challenge to the VTA Board, in the exercise of its fiduciary duties to the taxpayers and transit users of the County, is to address such questions as:

- Can *any* further investment in VTA’s present LRT system be justified, much less one that will cost \$720,000 for each prospective new rider?
- Does the proposed Eastridge extension meet VTA’s standards for new transit projects, including minimum projected ridership criteria?
- Before proceeding with the project, should the Board undertake a thorough review of the light rail system and its future as a mode of transportation in Silicon Valley, as suggested by members of the CPC?

¹³ Ibid, page 72

- Can the recognized needs of the residents of East San José for modern, efficient public transportation be better served by an alternative to the proposed Eastridge light rail extension?

VTA should aspire to take an industry-leading role in the future of public transportation, commensurate with the role of Silicon Valley as a worldwide leader in technology and innovation. Whether the VTA Board is able to put aside local political considerations and answer these questions based on the interests of all the taxpayers and residents of Silicon Valley will say much about its effectiveness as a policy-making body and whether VTA will be able to achieve such leadership aspirations.

Designing a More Effective Structure for the VTA

There are countless variations in models for governing a regional transit agency, and there is no perfect structure that fits all situations. Even when transit agencies set out to reorganize their own governance structure in response to acknowledged defects, they realize they must choose among alternative structures having both advantages and disadvantages.

Virtually all the individuals interviewed by the Grand Jury, including directors and senior staff, agreed that VTA could benefit from a more knowledgeable and engaged Board of Directors that is more sharply focused on VTA's role as a regional transit agency and less on local political interests. However, there is less consensus on how best to achieve that goal. Nevertheless, it is useful to examine some of the variable features of alternative governance structures, how they have been implemented by other transit agencies and how changes to the structure of VTA's governance might result in a more effective Board.

Number of Directors

The VTA Board has 12 voting members. As pointed out in the 2003-2004 Grand Jury's report, the VTA Board is larger than the boards of many regional transit agencies. Alameda County Transit (AC Transit) and BART, for example, have boards of seven and nine members, respectively, while two other transit agencies in California have five-person boards. However, transit agency boards across the country range widely in size, from as few as five to more than 20. The agency serving Dallas/Fort Worth, for example, has a 15-person board, while the Phoenix and Salt Lake City transit agencies each has a 16-member board. The 2003-2004 Grand Jury Report concluded that a smaller Board, of five to seven members, "would be more involved in and accountable for the financial and operational management of VTA." Some current members of the VTA Board agree that a smaller Board would be preferable, although others disagree. While the current Grand Jury agrees that reducing the size of the Board might result in more focused decision-making, a reduction in Board size, in and of itself, would not address fundamental issues of lack of experience, inadequate continuity, competing time commitments and conflicts of interest between VTA and local priorities. Accordingly, a reduction in the size of the VTA Board should only be considered in conjunction with other structural changes that directly address these key issues.

Term of Service

VTA directors serve for terms of two years. Although some directors serve more than one term (often consecutive), directors whose positions rotate among groups of smaller cities generally do not serve consecutive terms. Furthermore, a director's term can be cut short if the director ceases to serve in his or her elected position.

The term of service for directors of regional transit agencies in California and other larger metropolitan areas generally ranges between two and four years, with three and four-year terms being common. In California, for example, directors of BART, AC Transit and transit agencies serving Santa Barbara, Stockton and Bakersfield serve four-year terms. Directors of agencies serving Austin and Vancouver, B.C. serve for three years. In an independent review of the agency serving Vancouver, a Governance Review Panel concluded that “longer-term decision-making requires a minimum of three-year terms,” although the panel also recommended that members not be allowed to serve more than six consecutive years in order to vary the “mix of management, finance, legal and other skills to match [the agency’s] changing needs over time.”¹⁴

Among the individuals interviewed, there was substantial support for longer terms to provide additional time for directors to become knowledgeable about VTA’s operations and transit issues, to participate in more than one budget cycle and to participate more effectively in the Board’s long-term planning function. In addition, lengthening the term of service would mitigate the advantage currently enjoyed by representatives of San José and Santa Clara County, who typically serve substantially longer terms than the representatives of the smaller city groups and dominate the Board, in part, as a result of their greater experience. Not all interviewees agreed, however. One made the point that, if a director is unqualified in the first place, a four-year term would just mean that the Board would be burdened with an unqualified member for twice as long. Additionally, since under the current structure a director’s term ends when he or she leaves elected office, a four-year term is more likely than a two-year term to be cut short, lessening to some degree the impact of a change to a longer term. Nevertheless, extending the term of VTA directors to four years would increase the average term of Board service and, accordingly, would provide some valuable experience and continuity to the Board and enhance the influence of the smaller cities. Likewise, establishing term limits or limits on total years of service would mitigate the dominance of San José and the County and allow the Board to evolve over time to meet its changing needs.

As described above, the PUC specifies the annual election of the Board’s Chairperson and Vice Chairperson. The VTA Administrative Code provides that the election of the two officers shall be conducted at the last meeting of the calendar year, when practical, and that they shall serve for the ensuing calendar year.¹⁵ The Administrative Code also specifies that the two positions shall be rotated annually, according to a fixed schedule, among representatives of San José, Santa Clara County and the smaller city groups¹⁶.

There was considerable support among the persons interviewed for extending the Chairperson’s term from one to two years. As pointed out above, because VTA operates on a June 30 fiscal year,

¹⁴ “TransLink Governance Review”, TransLink Governance Review Panel, January 26, 2007, page 22

¹⁵ VTA Administrative Code Section 2-26

¹⁶ Ibid

the Chairperson's calendar year term of service straddles two fiscal years, disconnecting the Chairperson from the budget process and accountability for operating and financial results. He or she inherits one annual budget in mid-stream and serves only halfway through another. Lengthening the Chairperson's term would help address this problem by allowing the Chairperson to oversee VTA's financial performance for at least one full fiscal year. Coordinating the term of the Chairperson with the agency's June 30 fiscal year would further connect the Chairperson with VTA's budget process and the oversight of its financial performance. Similarly, reviewing the VTA General Manager's performance on a fiscal year rather than a calendar year basis would also improve direct accountability for the organization's performance to budget.

Direct Election of Directors

Under the current governance structure, members of the VTA Board are appointed to serve by the jurisdictions they represent, either through direct appointment by a mayor or city council or, in the case of the groups of smaller cities, by arrangement among the cities. As pointed out above, as originally proposed by the County Board of Supervisors, the VTA Board would have been composed of a combination of five directly elected members and 11 appointed members.

Although the direct election of directors of transit agencies is not common in California, there are exceptions, including BART and AC Transit, both of which have directly elected directors serving four-year terms. Other regional public bodies use a direct election model for some or all their directors. The Santa Clara Valley Water District (SCVWD), for example, has a board of seven directors, directly elected by supervisorial district.

Benefits of an elected board include direct accountability to the public and the directors' increased focus on the affairs of the agency as their primary, rather than secondary, public service responsibility. Direct election would also eliminate the possibility of directors' terms being shortened when they cease to serve in their elected position. In theory at least, candidates who serve on an elected board also would be more likely to have an interest in and commitment to public transportation issues than would appointed directors. On the other hand, directly elected VTA Board members, like other elected officials, may tend to have a parochial view if they are elected to represent specific districts or municipalities, so the goal of encouraging a regional view of strategic planning responsibilities might not be fully realized.

Some interviewees supported changing to a direct election model for the VTA Board, based on the potential benefits noted above. Others, however, did not favor such a change. Several pointed out what they perceived to be a lack of effectiveness of the BART Board of Directors as evidence that the change would not be worthwhile. Others noted that moving to a direct election model would be complicated, politically difficult and costly – again, not justifying the change. One interviewee observed that, at the end of the day, voters pay very little attention to the direct election of directors

of governmental agencies, noting that many voters do not even know that an agency like SCVWD, for example, even exists, much less who its directors are.

Appointed Directors Who Are Not Elected Officials

Like VTA, many regional transit districts have boards consisting exclusively of elected officials representing the constituent communities making up the district. In at least three California transit agencies (those serving Santa Barbara, San Francisco and Stockton), the appointed boards of directors include interested citizens who are not currently serving as elected officials, and the enabling legislation of another transit district, serving the Bakersfield area, specifically provides that elected officials are *not* eligible for appointment as members of the Board. Transit agencies whose directors are not current elected officials are not uncommon in other parts of the country. Examples of transit agencies with appointed boards that do not include elected public officials are those serving Houston, Austin, Vancouver, B.C. and Toronto.

The flexibility to appoint non-politicians to serve on the board of a transit agency allows the appointing authority to select directors having a wide range of business, financial and transportation-related experience with a mandate to serve non-politically and make evidence-driven policy decisions based on demonstrated need and financial feasibility. The Houston Metropolitan Transit Authority (HMTA), for example, has a board of nine members, five of whom are appointed by the Mayor of Houston, two by the Harris County Commissioners Court and two by the mayors of other cities in its service area. The Board of the HMTA currently includes a retired lawyer, a certified public accountant, a banker, executives of large companies and experts on infrastructure, construction and budget management.

Partially offsetting the benefits of removing elected public officials from a transit agency's governance structure are concerns of accountability. The level of commitment of non-elected directors to their local communities' views on transit policy and priorities, including land use and development, is uncertain. However, some senior VTA staff and directors feel that the staff gets little support from VTA Board members in connection with VTA's dealings with city governments on these issues.

Some transit districts have chosen to balance the benefits of a predominantly non-political governing board with some participation by elected officials. For example, the board structure of the transit agency serving the Austin area was revised in 2011 from 100% elected officials to a mix of two elected officials and five non-politicians, with the City of Austin, the largest participant and underwriter of the system, having a predominant say in the appointments. The enabling legislation went a step further and specified that one appointed member of the board must have at least 10 years of experience as a financial or accounting professional and another must have at

least 10 years of experience in an executive-level position in a public or private organization.¹⁷ As one commentator noted at the time the legislation was proposed, “What the board would lose in elected officials, it would presumably gain in knowledge.”¹⁸

In 2011, the Legislative Auditor of the State of Minnesota issued an evaluation report that analyzed various governance structures for the agency principally responsible for the Twin Cities’ transit system, as potential alternatives to the existing structure under which all members of the governing council are appointed by the governor. After analyzing and comparing various structures, including the existing appointment system and the direct election of council members, the Auditor concluded that the optimal model would be a combination of appointed and elected officials that “would provide the Council with an effective mix of regional and local perspectives.”¹⁹

Silicon Valley offers an unparalleled pool of talented individuals, including entrepreneurs who have introduced cutting-edge technologies, products and services, as well as countless experts with leadership experience in finance and executive management of large organizations. Current and retired leaders of Silicon Valley companies and organizations have made numerous contributions in support of a wide range of community activities, including the arts, healthcare, education and other civic and charitable endeavors. Surely, appointing authorities could identify qualified public sector leaders who would be willing to serve on the VTA Board, and VTA would benefit from their knowledge and experience.

¹⁷ Texas Transportation Code Section 451.5021(b)

¹⁸ "What's Wrong With Cap Metro...and What's Right", Lee Nichols, Austin Chronicle, April 24, 2009

¹⁹ "Governance of Transit in the Twin Cities Region", Office of the Legislative Auditor, January 2011, page 44

CONCLUSIONS

VTA is a complex, multi-billion-dollar enterprise. In addition to operating a large transit system, VTA has responsibility for county-wide transportation planning, including congestion management, the design and development of highway, pedestrian and bicycle improvement projects and the promotion of transit-oriented development.

VTA is governed by a part-time Board of Directors composed solely of elected public officials, each of whom is burdened by the obligations of his or her office and subject to local political interests. A few of the directors have served for many years, but others have served for less than two. Appointees to the VTA Board often have little or no previous experience with transportation, finance or leadership of a large organization, let alone one the size of VTA.

Today, VTA faces a series of challenges which, taken together, can be fairly characterized as a crisis. The following challenges, among others, must be addressed by the VTA Board:

- Year after year, VTA operates one of the most expensive and least efficient transit systems in the country. Empty or near-empty buses and light rail trains clog the County's streets but are used regularly by fewer than 5% of the County's commuters. Operating costs increase continuously, and taxpayers subsidize 90% of these costs, to the tune of about \$5.50 per rider for each bus trip and \$10.75 per rider for each light rail trip.
- VTA veers from one financial crisis to another. In June 2017, the VTA Board adopted the 2018-2019 biennial budget and consciously approved a built-in structural financial deficit of \$50 to \$60 million per year. In January 2018, an ad hoc committee of the VTA Board was formed to deal with the crisis caused by the budget deficit. In August 2018, VTA's Chief Financial Officer advised the committee that the agency was 18 to 24 months away from going "off a cliff." At the end of 2018, the ad hoc committee made weak and only partially effective recommendations to address VTA's structural financial deficit and didn't seriously consider such important but politically sensitive topics as reductions in employee headcount or the scrapping or deferral of large capital projects.
- Light rail ridership is declining steadily throughout the country. Experts have pronounced the early twentieth century concept of light rail transit obsolete, and other regional transit agencies are contemplating abandoning light rail system extensions. VTA, however, continues to move forward with an extension of its light rail system — one that currently has among the highest operating costs and lowest ridership in the country. The remaining capital cost of the proposed 2.4-mile Eastridge extension project is currently estimated at \$440 million, representing approximately *\$720,000 for each new rider* that the staff estimates will actually use the extension during the first year of its operation. The project

makes no financial sense and survives only because powerful political forces continue to support it. VTA needs to carefully consider whether the recognized needs of the residents of East San José for modern, efficient public transportation can be met without “doubling down on a failed system,” as one director put it, and worsening VTA’s precarious financial condition.

- Although a detailed review of the long-pending BART to Silicon Valley project was beyond the scope of the Grand Jury’s inquiry, a number of our interviewees, including senior VTA staff and members of the VTA Board, noted its importance to the future of VTA. VTA’s proposed fiscal years 2020-2021 capital budget calls for a staggering \$713.5 million in Measure A and Measure B tax funds for the BART Phase 2 project. The operating agreement between VTA and BART remains in negotiation, and several of our interviewees expressed concern that important issues regarding the sharing of system-wide capital and operating costs remain unresolved and that such costs could fall disproportionately on VTA. One director expressed the opinion that BART-related cost control issues are more significant for VTA than those related to the Eastridge light rail extension. A senior staff member stated unequivocally that “BART is going to bankrupt VTA.” An interested stakeholder similarly predicted that BART “will be the demise of VTA.” Whether or not these assessments are accurate, it is clear that the financial health of VTA is dependent on the success of BART in the South Bay Area. That success is dependent, in turn, on VTA effectively implementing BART Phase 2 and meeting its ridership and revenue goals.

VTA’s operating territory is the Silicon Valley – the world’s leading center of innovation and cutting-edge technology. Several of VTA’s key staff members have noted that they had joined VTA in the hope that VTA would take an industry-leading role in the future of transportation, commensurate with the role that companies and other institutions in the Silicon Valley have taken in the introduction of all manner of new products, technologies and services. Yet, little such innovation has been evident at VTA in recent years. In fact, as noted above, VTA seems to be “doubling down” on old technology. At the Board’s recent workshop on “The Future of Transportation in Silicon Valley,” the directors present (two-thirds of the voting members and half of the alternates) seemed to recognize this problem and unanimously agreed that VTA needs to make “radical changes” in the way it provides its services.

If VTA is going to meet the many challenges it faces, the VTA Board will have to make good on its commitment to radical change. So, the question becomes, is the Board capable of making the policy decisions and providing the strategic oversight necessary to accomplish such change? The Grand Jury has concluded that, as presently structured and operated, that level of capability does not appear to be present. Accordingly, the Grand Jury recommends a number of changes in the structure of the VTA Board and in the way directors are selected, trained and evaluated that it

believes will assist VTA in addressing its many challenges and achieving its aspiration of becoming a leader in the transportation industry.

FINDINGS AND RECOMMENDATIONS

Finding 1

The VTA Board, currently made up exclusively of elected officials from the Santa Clara County, Board of Supervisors, the City of San José and the other smaller cities in the County, suffers from:

- A lack of experience, continuity and leadership;
- Inadequate time for the directors to devote to their duties to the VTA Board due to their primary focus on the demands of their elected positions;
- A lack of engagement on the part of some directors, fostered in part by the committee system, resulting in VTA functioning largely as a staff-driven organization;
- Domination, in terms of numbers, seniority and influence, by representatives of the Santa Clara County Board of Supervisors and the City of San José; and
- Frequent tension between the director's fiduciary duties to VTA and its regional role, on the one hand, and the political demands of their local elected positions, on the other.

Recommendation 1a

VTA should commission a study of the governance structures of successful large city transportation agencies, focusing on such elements as: board size; term of service; method of selection (directly elected, appointed or a combination); director qualifications; inclusion of directors who are not elected officials; and methods of ensuring proportional demographic representation. This study should be commissioned prior to December 31, 2019.

Recommendation 1b

As the appointing entity with an interest in the transit needs of all County residents, the County of Santa Clara should commission its own study of transportation agency governance structures, focusing on the elements listed in Recommendation 1a. This study should be commissioned prior to December 31, 2019.

Recommendation 1c

As constituent agencies of VTA, each of the cities in the County should prepare and deliver to VTA and the County Board of Supervisors a written report setting forth its views regarding VTA governance, with specific reference to the elements listed in Recommendation 1a. These reports should be completed and delivered prior to December 31, 2019.

Recommendation 1d

Within six months following the completion of the studies and reports specified in Recommendations 1a, 1b and 1c, the County of Santa Clara and/or one or more of VTA's other constituent agencies, should propose enabling legislation, including appropriate amendments to Sections 100060 through 100063 of the California Public Utilities Code, to improve the governance structure of VTA (which potentially could include an increase in the directors' term of service, the addition of term limitations and the inclusion of appointed directors who are not currently serving elected officials).

Recommendation 1e

In order to provide more continuity in the leadership of the VTA Board, within six months following the completion of the studies and reports specified in Recommendations 1a, 1b and 1c, the County of Santa Clara and/or one or more of VTA's other constituent agencies, should propose enabling legislation amending Section 100061 of the California Public Utilities code to provide that the Chairperson of the VTA Board shall be elected for a term of two years rather than one.

Recommendation 1f

Prior to December 31, 2019 and pending changes contemplated by Recommendation 1e, VTA should adopt a policy of routinely reappointing an incumbent Chairperson for a second one-year term at the end of his or her initial term, absent unusual circumstances.

Recommendation 1g

In order to better connect the Chairperson with the budget process and accountability for operating and financial results, prior to December 31, 2019, VTA should amend Section 2-26 of the VTA Administrative Code to provide that the Chairperson and Vice Chairperson shall serve terms coinciding with VTA's fiscal year ending June 30, rather than the calendar year.

Finding 2

The California Public Utilities Code, the VTA Administrative Code and the Guidelines for Member Agency Appointments to the VTA Board of Directors adopted by the Governance and Audit Committee of the Board (Guidelines) all contain provisions requiring that, to the extent possible, the appointing agencies shall appoint individuals to the VTA Board who have expertise, experience or knowledge relative to transportation issues. Nevertheless, appointees to the VTA Board often lack a basic understanding of VTA's operations and transportation issues, generally.

Recommendation 2

In order to help assure that individuals appointed to serve on the VTA Board have the appropriate qualifications, prior to December 31, 2019, VTA should take vigorous action to enforce compliance by appointing agencies with the qualification and suitability requirements of: (i) Section 100060(c) of the California Public Utilities Code; (ii) Section 2-14 of the VTA Administrative Code; and (iii) the Guidelines.

Finding 3

The VTA Board lacks effective policies designed to assure productive participation by members of the VTA Board.

Recommendation 3a

In order to help make directors become and remain productive members of the VTA Board, prior to December 31, 2019, VTA should: (i) implement and enforce attendance at an intensive, multi-session onboarding bootcamp for incoming directors that would provide detailed information regarding VTA's operations, financial affairs and currently pending large-scale projects as well as the organization and operations of the Board and directors' duties and obligations; (ii) prepare and provide to each director a detailed handbook of directors' duties, similar to the "Transit Board Member Handbook" published by the American Public Transportation Association; (iii) enforce attendance at Board and committee meetings by providing Board attendance records to appointing agencies and removing directors from committees for repeated non-attendance; and (iv) implement a robust director evaluation process, with the participation of an experienced board consultant, that would include mandatory completion by each director of an annual self-evaluation questionnaire and Board review of a composite report summarizing the questionnaire responses.

Recommendation 3b

In order to further enhance the effectiveness of the directors, prior to December 31, 2019, VTA should develop a program to encourage continuing education of the Board members by: (i) scheduling and enforcing attendance at more frequent and intensive Board workshops on important issues regarding transit policy, developments in transportation technology, major capital projects and VTA's financial management; and (ii) requiring directors to attend, at VTA's expense, third-party sponsored industry conferences and educational seminars.

Finding 4

The Grand Jury commends the Chairperson of the VTA Board for recognizing the need to improve Board engagement and effectiveness by convening the Ad Hoc Board Enhancement Committee to review the Board's governance structure and practices.

Recommendation 4

None.

Finding 5

VTA continues to consider an extension of VTA's light rail system to the Eastridge Transit Center, at an additional capital cost of over \$450 million, although VTA's light rail system is one of the most expensive, heavily subsidized and least used light rail systems in the country, many transit experts consider light rail obsolete, and VTA is suffering from chronic structural deficits that would be exacerbated by the continuation of the project as currently defined.

Recommendation 5a

VTA should consider following recommendations made by several directors that it undertake a thorough review of VTA's light rail system and its future role as a mode of transportation in Silicon Valley before proceeding with the Eastridge extension project. This review, as it pertains specifically to the analysis of the viability of the Eastridge extension, should be undertaken with the participation of an independent consultant and should consider such issues as projected ridership estimates, project cost estimates including future operating and capital costs, and the projected impact on traffic congestion on Capitol Expressway with the removal of two HOV lanes.

Recommendation 5b

VTA should consider whether the recognized needs of the residents of East San José for modern, efficient public transportation can be better served by an alternative to the proposed light rail extension.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

Responding Agency	Finding	Recommendation
Santa Clara Valley Transportation Authority	1, 2, 3, 4 and 5	1a, 1f, 1g, 2, 3a, 3b, 5a and 5b
County of Santa Clara	1	1b, 1d and 1e
City of Campbell	1	1c, 1d and 1e
City of Cupertino	1	1c, 1d and 1e
City of Gilroy	1	1c, 1d and 1e
City of Los Altos	1	1c, 1d and 1e
City of Milpitas	1	1c, 1d and 1e
City of Monte Sereno	1	1c, 1d and 1e
City of Morgan Hill	1	1c, 1d and 1e
City of Mountain View	1	1c, 1d and 1e
City of Palo Alto	1	1c, 1d and 1e
City of Santa Clara	1	1c, 1d and 1e
City of San José	1	1c, 1d and 1e
City of Saratoga	1	1c, 1d and 1e
City of Sunnyvale	1	1c, 1d and 1e
Town of Los Altos Hills	1	1c, 1d and 1e
Town of Los Gatos	1	1c, 1d and 1e

APPENDIX A – The Guidelines for Member Agency Appointments to the VTA Board of Directors



7.a

Santa Clara Valley Transportation Authority (VTA)

Guidelines for Member Agency Appointments to the VTA Board of Directors

The following information and suggestions are provided to assist local jurisdictions with appointing qualified, engaged and capable representatives to the VTA Board of Directors.

Overview of VTA

VTA is an independent special district responsible for bus, light rail and paratransit operations; congestion management; specific highway improvement projects; countywide transportation planning; and voter-approved local sales tax programs, including the 2000 Measure A Transit Improvement Program. As such, VTA is both an accessible transit provider and multi-modal transportation planning and implementing organization involved with transit, highways and roadways, bikeways, and pedestrian facilities.

VTA is governed by its own Board of Directors representing all jurisdictions within Santa Clara County. Eligible Board members are elected city councilmembers or county supervisors who may serve during their term of office.

The VTA Board of Directors consists of 12 voting members, 6 alternates, and 3 ex-officio members, and membership attempts to balance regional representation and population. Board members are appointed as follows:

- **GROUP 1: (San José)** – 5 voting members and 1 alternate
City of San José
- **GROUP 2: (Northwest)** – 1 voting member and 1 alternate
City of Los Altos; Town of Los Altos Hills; City of Mountain View; City of Palo Alto
- **GROUP 3: (West Valley)** – 1 voting member and 1 alternate
City of Campbell; City of Cupertino; Town of Los Gatos; City of Monte Sereno; City of Saratoga
- **GROUP 4 (South County)** – 1 voting member and 1 alternate
City of Gilroy; City of Morgan Hill
- **GROUP 5 (Northeast)** – 2 voting members and 1 alternate
City of Milpitas; City of Santa Clara ; City of Sunnyvale
- **GROUP 6 (County of Santa Clara)** – 2 voting members and 1 alternate
County of Santa Clara
- **Ex-Officio** - Santa Clara County's three Metropolitan Transportation Commission members

It is important to note that other than the Ex-Officio members, the above groups are responsible to appoint their representative(s) in a manner they themselves determine.

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Key information about the Board of Directors

- Generally meets the first Thursday of each month (July meeting is normally cancelled) at the County of Santa Clara Government Center (70 W. Hedding Street, San Jose)
- Meetings begin at 5:30 PM and normally last one to three hours, depending on the agenda.
- A small number of Board workshops or study sessions are typically held during the year. These are normally scheduled for a time other than the regular Board meeting.
- Directors serve on one or more Board standing committees. Most standing committees meet monthly, while others meet bi-monthly or quarterly. Standing committees meet at varying times during the normal work day, and most standing committee meetings are conducted at VTA's River Oaks Administrative Complex.
- Appointments are for two years, commencing on January 1 and ending on December 31 of the following year. Members and alternates may be appointed to successive terms.
- Members of the VTA Board of Directors are not eligible to concurrently serve on VTA's Policy Advisory Committee (PAC), although Board alternates may be appointed to the PAC.
- It is the responsibility of each member jurisdiction to seek agreement with the other members on any proposed appointment of an individual to represent that city/county group on the VTA Board of Directors.

Expectations**Board members:**

- Should be able to devote, on average, 5 - 10 hours per month, which includes Board and standing committee meetings as well as time to review agenda materials.
- Represent the interests of their city/county group while endeavoring to achieve regional consensus.
- Have a fiduciary responsibility to vote for the best interests of the region, not those of their city/county group or appointing jurisdiction.
- Should be able to work cooperatively in a multi-jurisdictional setting.
- Should be able to attend Board and standing committee meetings consistently.
- Are responsible for keeping their respective jurisdictions informed of key issues, facilitating communication between those entities and VTA, and helping build consensus.

Suggested Guidelines for Board of Director Appointments

The following is offered for Member Agency consideration when appointing representatives to the VTA Board of Directors. They are suggestions only, not requirements. It is each appointing jurisdiction's prerogative to appoint its representative of choice, provided that individual meets VTA's pre-established membership requirements for the position.

When evaluating prospective appointees to the Board of Directors, you are strongly encouraged to give consideration to the following factors and attributes in determining your appointee:

- Consideration should be given to appointing a member based on the value and expertise they can provide to improving transportation and mobility within the county.
- Individual should have experience or interest in transportation.
- Consideration should be given to appointing a member who has sufficient remaining time in their term to allow full completion of their term on the VTA Board of Directors.
- Consideration should be given to reappointing members to consecutive terms.
- Prior service on the VTA Board of Directors or Policy Advisory Committee is advantageous.
- Previous service on a planning or land use commission is beneficial.
- Due to the institutional learning curve and the complexity and long-term regional effects of the policy decisions, consideration should be given to appointing members who demonstrate strength in these areas.
- It is important that appointees have sufficient available time to appropriately discharge their VTA Board of Directors duties and responsibilities.
- Individuals should be able to facilitate communication by appropriately representing the positions and concerns of their governing body while keeping that same body apprised of key VTA initiatives and issues.

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APPENDIX B – VTA Operating Statistics and 2017 National Trends

This appendix presents operational metrics comparing VTA against national trends using an FTA annual summary.

Table B1 VTA Operating Statistics 2009 - 2018

Year	County Population ¹ (millions)	Bus Ridership ¹	Light Rail Ridership ¹	VTA Operations Full-Time Employees ¹	Fleet Size ^{1& 2}	VTA Operations Expense (\$) ¹	Vehicle Revenue Hours ^{3&4}	Total Unlinked Passenger Trips ^{3&4}
2009	1.77	34,510,273	10,754,161	1649	547	254,285,943	1,487,469	45,264,434
2010	1.79	31,983,494	9,749,882	1588	523	257,953,581	1,406,463	41,733,376
2011	1.814	31,395,126	10,014,504	1576	593	263,322,297	1,357,169	41,409,630
2012	1.841	32,053,755	10,373,042	1599	544	278,532,013	1,383,007	42,426,797
2013	1.87	32,432,354	10,742,292	1614	542	293,447,169	1,411,180	43,174,646
2014	1.894	32,475,527	10,952,965	1687	542	311,287,342	1,464,798	43,428,492
2015	1.92	32,623,599	11,320,497	1724	639	319,978,046	1,524,011	43,944,096
2016	1.934	32,195,504	10,722,932	1758	599	335,140,300	1,555,226	42,918,436
2017	1.946	29,057,047	9,132,084	1761	559	354,494,193	1,569,744	38,189,131
2018	1.957	28,048,405	8,507,095	1795	571	414,975,000	1,582,146	36,555,500

Notes:

1. From VTA report "Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2018" listed in References, item number 15, and State Department of Finance

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-2/documents/PressReleaseJul2018.pdf>

2. Fleet size includes the total number of buses and light rail cars

3. Vehicle Revenue Hours (VHR) and Unlinked Passenger Trips (UPT) data from FTA NTD

<https://www.transit.dot.gov/ntd/data-product/ts22-service-data-and-operating-expenses-time-series-system-0>

4. Operating expense, UPTs and VHRs include only directly operated bus and light rail vehicles

For the charts below, the Grand Jury used data from the 'National Transit Summaries & Trends 2017'²⁰, "Santa Clara Valley Transit Authority Annual Agency Profile 2017"²¹, and "Service Data and Operating Expenses Time-Series by System"²² to examine VTA's operations and performance in the national arena.



²⁰ 2017 National Transit Summaries and Trends

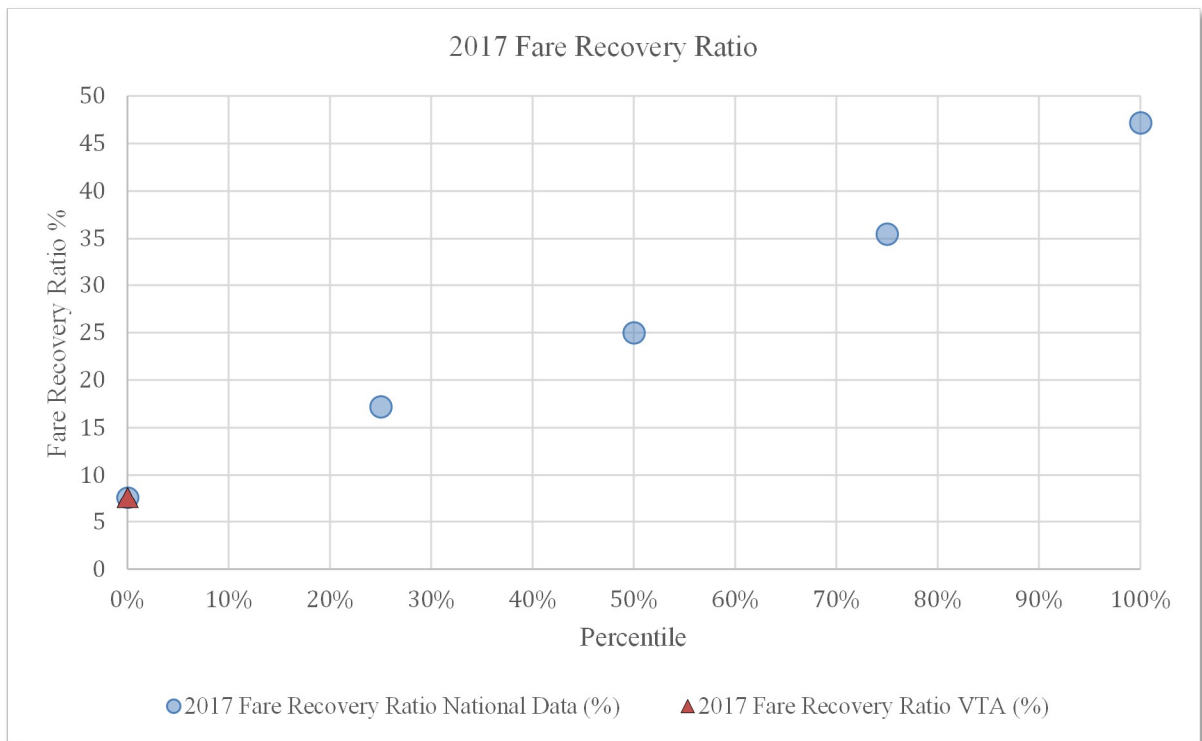
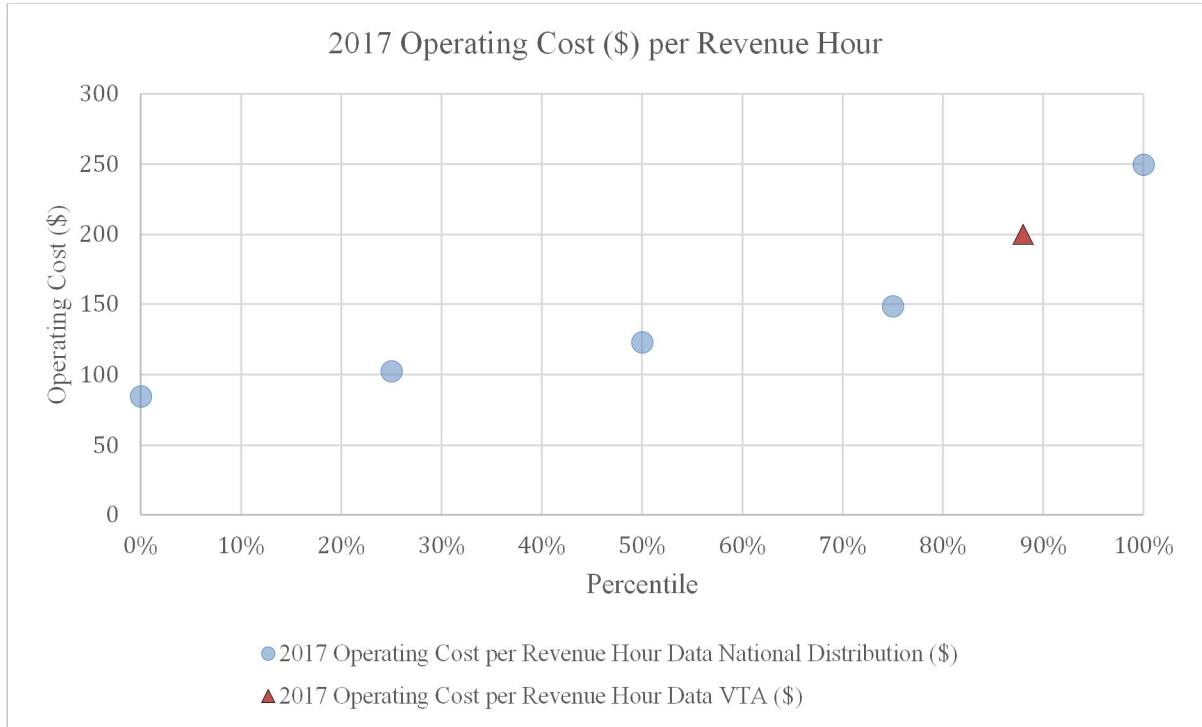
<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/ntd/130636/2017-national-transit-summaries-and-trends.pdf>

²¹ Santa Clara Valley Transit Authority Annual Agency Profile 2017

<https://www.transit.dot.gov/ntd/transit-agency-profiles/santa-clara-valley-transportation-authority>

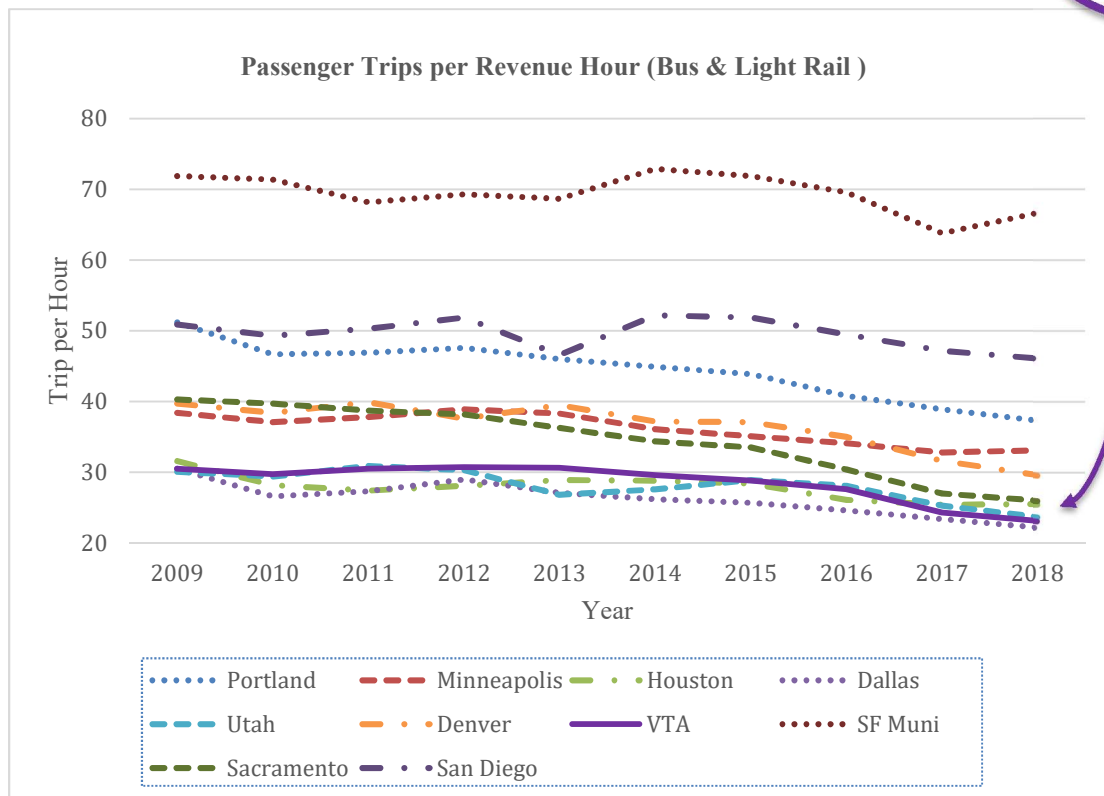
²² Service Data and Operating Expenses Time-Series by System

<https://www.transit.dot.gov/ntd/data-product/ts22-service-data-and-operating-expenses-time-series-system-0>

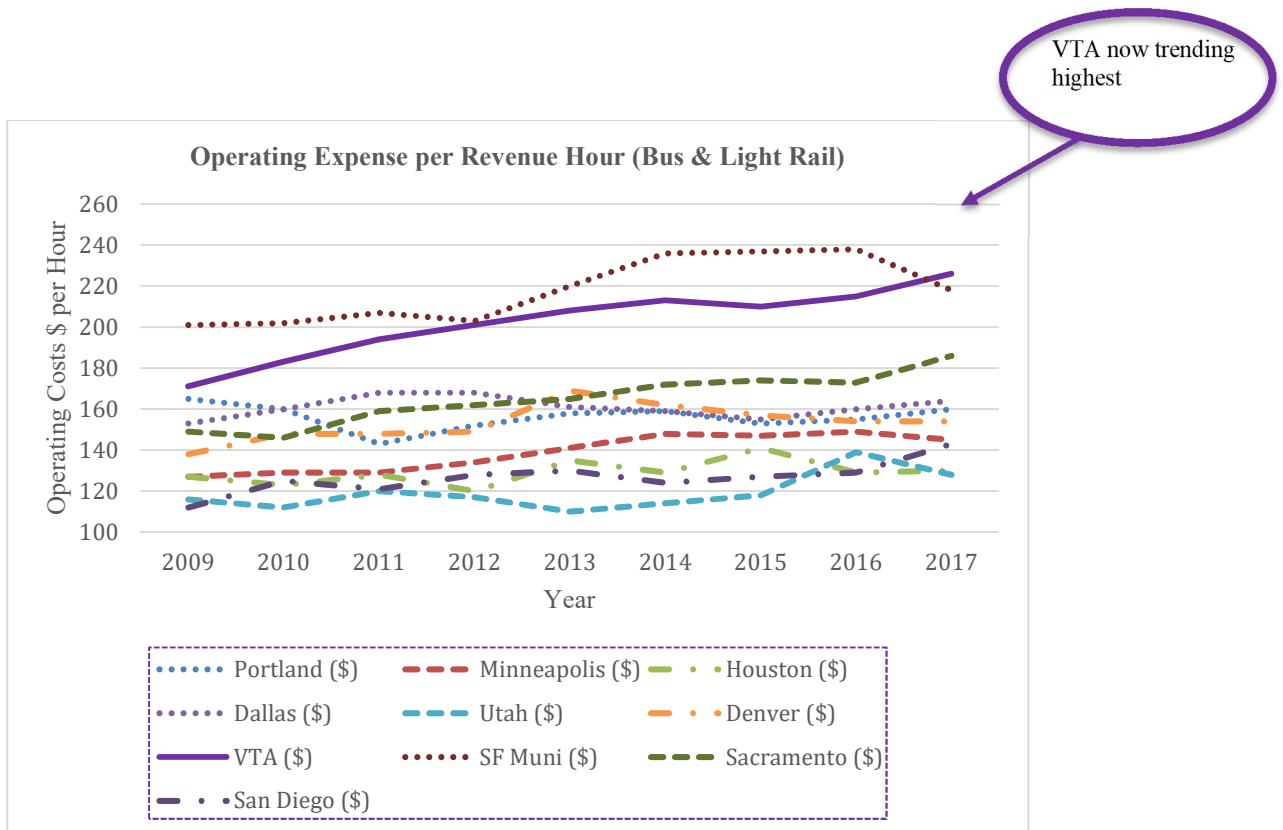


APPENDIX C – Peer Agency Comparisons

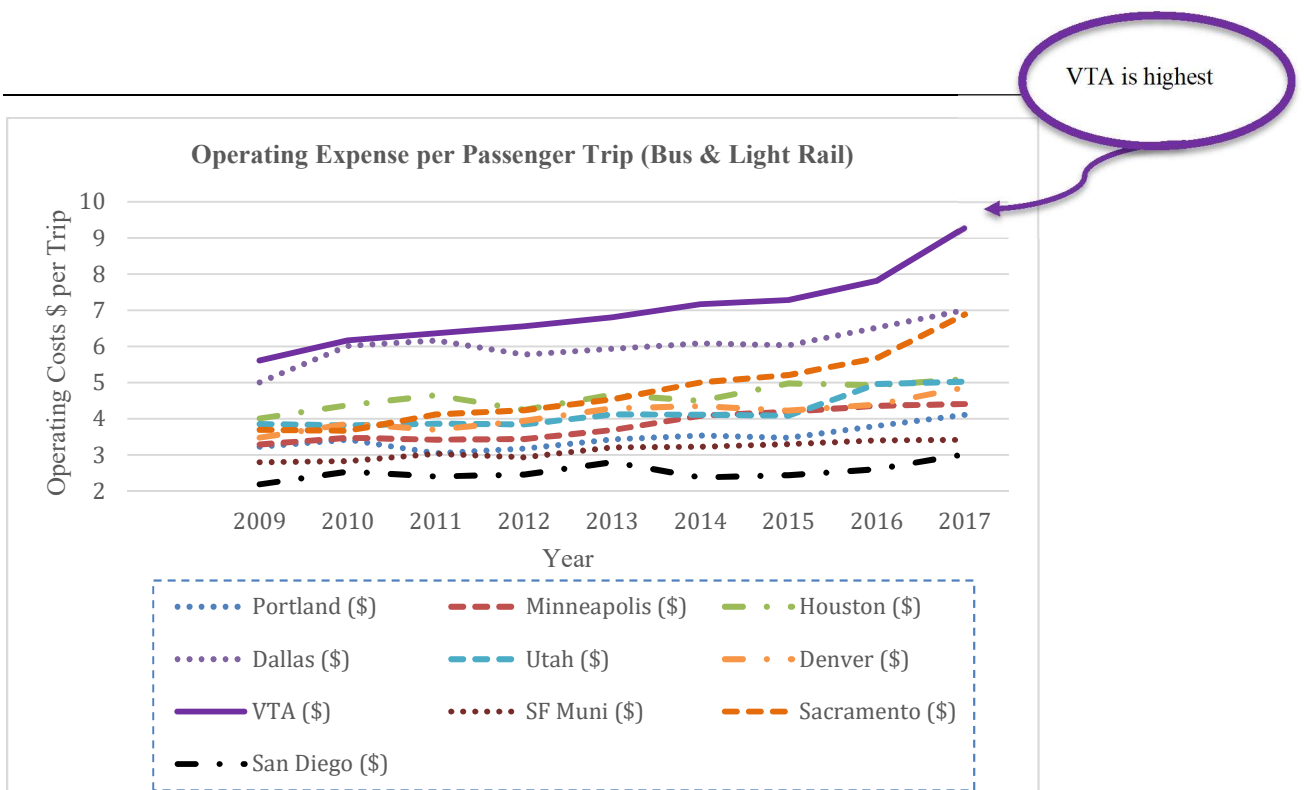
This appendix presents various operational metrics for VTA and nine peer agencies. Generally, VTA under-performs all or most of these agencies as noted.



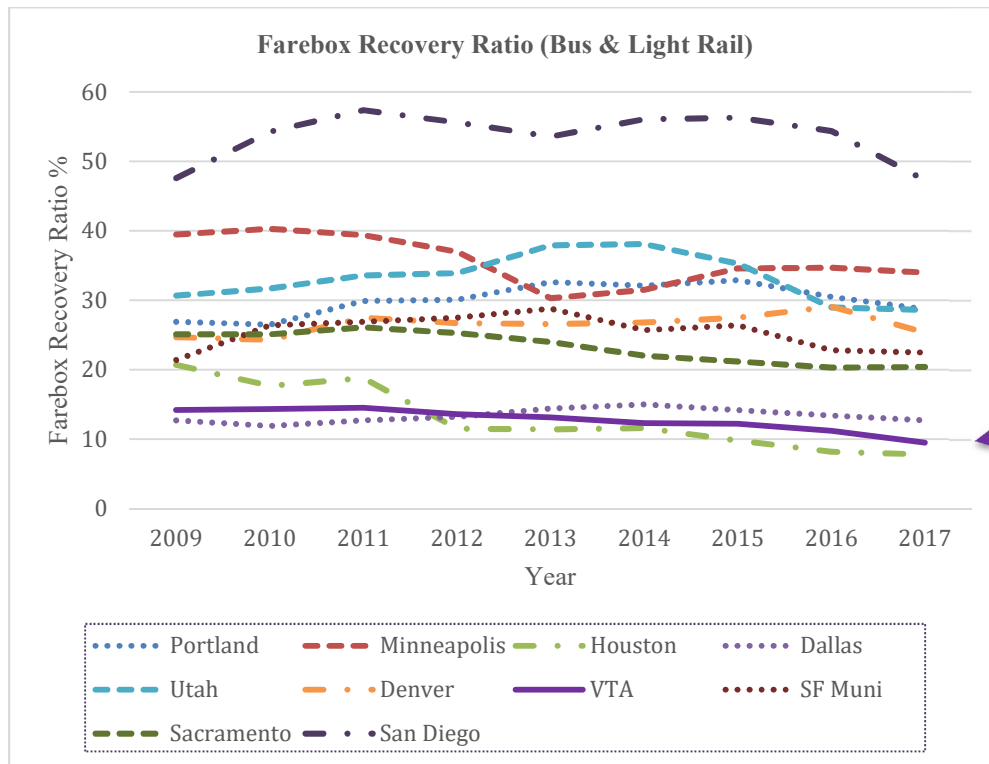
Source of data: <https://www.transit.dot.gov/sites/fta.dot.gov/files/February%202019%20Adjusted%20Database.xlsx>



Source of data <https://www.transit.dot.gov/ntd/data-product/ts21-service-data-and-operating-expenses-time-series-mode-2>

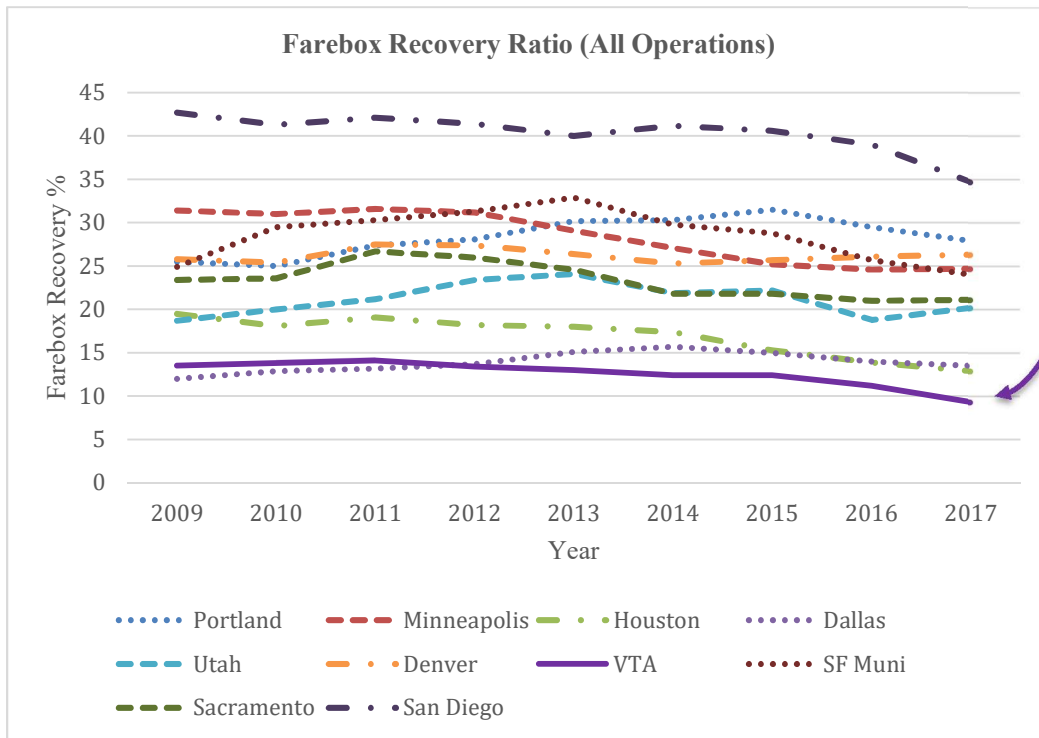


Source of data <https://www.transit.dot.gov/ntd/data-product/ts21-service-data-and-operating-expenses-time-series-mode-2>



VTA competes for lowest

Source of data <https://www.transit.dot.gov/ntd/data-product/ts21-service-data-and-operating-expenses-time-series-mode-2>



Source of data <https://www.transit.dot.gov/ntd/data-product/ts21-service-data-and-operating-expenses-time-series-mode-2>

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Note: All links verified June 9, 2019

This report was **ADOPTED** by the 2018-2019 Santa Clara County Civil Grand Jury on this 18th day of June 2019.

A handwritten signature in black ink, appearing to read 'John Pedersen', written over a horizontal line.

John Pedersen

Foreperson



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Approve the City of Milpitas 2019 Public Health Goals Report on Water Quality
Category:	Public Hearings-Community Services and Sustainable Infrastructure
Meeting Date:	9/3/2019
Staff Contact:	Tony Ndah, 408-586-2602
Recommendation:	<ol style="list-style-type: none">1. Receive public comments and then move to close the public hearing.2. Accept and approve the City of Milpitas 2019 Public Health Goals Report on Water Quality in accordance with provisions of the California Health and Safety Code.

Background:

California Health and Safety Code requires all California water retailers serving more than 10,000 service connections that detect one or more contaminants in drinking water which exceed the Public Health Goal (PHG) to prepare a report every three years to inform consumers of water quality constituents that exceeded the Public Health Goals (PHGs). PHGs are non-enforceable water quality goals established by the California Office of Environmental Health Hazard Assessment and are based solely on public health risk considerations. Maximum Containment Level Goals (MCLG), established by the U.S. Environmental Protection Agency (USEPA), are the federal equivalent to California's PHGs. Public water systems are also required to hold a public hearing for the purpose of accepting and responding to public comment on the report, which may be done as part of a regularly scheduled Council meeting. The PHG Report covers calendar years 2016-2018. The report is presented to Council to satisfy the public hearing requirements and to obtain Council approval.

Analysis:

Staff completed the 2019 Public Health Goal report for the City of Milpitas drinking water quality (2016-2018) relative to the Public Health Goals adopted by California Environmental Protection Agency's (EPA) Office of Environmental Health Hazard Assessment (OEHHA) and the Maximum Contaminant Level Goals (MCLGs) adopted by the USEPA.

The City of Milpitas water system complies with all of the health-based drinking water standards and Maximum Contaminant Levels (MCLs) required by the State Water Resources Control Board (SWRCB), Division of Drinking Water, and the USEPA. PHGs (a California standard) and MCLGs (a federal equivalent) are levels of a contaminant in drinking water below which there is no known or expected risk to health. MCLs are set as close to the PHGs or (MCLGs) as is economically and technologically feasible.

During the three-year reporting period, there was one (1) exceedance measured for total coliform in the City's water system. Coliform has no known health implications, but any level of detection is still required to be reported. Although the coliform result exceeded the Public Health Goals, it was far below the mandated MCL limits. The City and its water suppliers will continue to implement the best available technologies for total coliform as well as implementing best practices for monitoring and maintenance of the water system.

Fiscal Impact:

There are no specific fiscal implications from accepting the 2019 Public Health Goal Report.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a “project” for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation:

1. Receive public comments and then move to close the public hearing.
2. Accept and approve the City of Milpitas 2019 Public Health Goals Report on Water Quality in accordance with provisions on the California Health and Safety Code.

Attachments:

1. City of Milpitas 2019 Public Health Goals Report

CITY OF MILPITAS – 2019 PUBLIC HEALTH GOALS REPORT

BACKGROUND

The California Health and Safety Code, section 116470(b) requires public water systems serving more than 10,000 service connections to prepare a report if water quality monitoring results over the past three years exceed any California Public Health Goals (PHGs) and/or federal Maximum Contaminant Level Goals (MCLGs). PHGs are non-enforceable goals established by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA). MCLGs are goals that are adopted by USEPA, and only come into play if there is no California PHG. PHGs may not be more lenient than MCLGs.

Only constituents that have a California primary drinking water standard and for which either a PHG or MCLG has been set are to be addressed in the Report. **Attachment 1** contains a list of the regulated constituents and their respective PHGs or MCLGs.

If a constituent was detected by a water supplier between January 1, 2016 and December 31, 2018 at a level exceeding an applicable PHG or MCLG, the Report shall contain the following information as required by the law:

- Numerical public health risk associated with the enforced Maximum Contaminant Level (MCL) and the PHG or MCLG;
- Category or type of risk to health that could be associated with each constituent;
- Best treatment technology available, if any, that could be used to remove or reduce the constituent to a level at or below the PHG or MCLG;
- Estimate of the cost to install that treatment and if it is appropriate and feasible; and
- Description of the actions, if any, the City intends to take to reduce the level of the constituent.

The City of Milpitas conducts weekly, quarterly, annual, triennial, and 9-year monitoring on a continuous basis and is pleased to report that water quality meets all state and federal standards. However, total coliform was detected above the MCLG of zero and is discussed for the purpose of this report.

PHG/MCLG vs. MCL

PHGs are set by OEHHA (and MCLGs by USEPA) based solely on public health risk considerations. MCLs are set by USEPA or the California State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) as the contaminants maximum level which public water systems must not exceed. Violations of MCLs can result in fines, abatement orders, or closure of facilities. When the USEPA, or the DDW, adopts an MCL, they take into account such factors as (1) analytical methodologies, (2) effectiveness of available treatment technologies, and (3) health benefits versus costs. PHGs (and MCLGs) are not enforceable and are not required to be met by any public water system.

Water Quality Data Review for this Report

Water quality data collected by the City of Milpitas during the calendar years of 2016, 2017 and 2018 for purposes of determining compliance with drinking water standards were reviewed in order to prepare this Report. The City of Milpitas purchases water from two water wholesalers: the San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (Valley Water) and results of that monitoring is also considered in the report review. This data was summarized in the 2016, 2017, and 2018 Annual Water Quality Reports, also known as Consumer Confidence Reports, which were distributed to all of our customers by July of each of the following year and are also available online (see **Attachment 2** for copies of the 2016, 2017, and 2018 City of Milpitas Water Quality Reports).

Guidelines Followed for Preparation of this Report

The Association of California Water Agencies (ACWA) formed a workgroup that prepared guidelines for water utilities to use in preparing required PHG Reports. These guidelines, titled “Suggested Guidelines for Preparation of Required Reports on PUBLIC HEALTH GOALS (PHGs) to satisfy requirements of California Health and Safety Code Section 116470(b)” dated April 2019 were used in the preparation of this Report.

Best Available Treatment Technology and Cost Estimates

Both USEPA and DDW adopt Best Available Technologies (BATs), which are the best known methods of reducing contaminant levels below the MCL. This report also considers, where appropriate, other commercially available BATs that may have the ability to further reduce constituent levels beyond the MCL to the PHG/MCLG level or below. While a BAT may identify a process that can reduce the presence of a constituent, the cost of implementation can be a major factor in deciding whether or not to adopt the process. For a system that is in compliance with MCL levels, striving to keep constituents at or below PHG/MCLG levels must be evaluated with costs in mind. Thus, while the City is meeting all water quality MCLs, the intent of this exercise is to re-evaluate the value of a technology to remove or reduce a constituent to the level at which the USEPA or OEHHA has determined that there is no associated health risk (i.e. at or below the PHG/MCLG), if possible, and whether the cost to the ratepayers to provide advanced treatment could be justified.

The PHGs/MCLGs are set much lower than the MCL, and it is not always possible or feasible to determine what treatment technology is able to further reduce a constituent to a level at or below the PHG/MCLG. In some cases, such as when the MCLG is set at zero, there may not be commercially available technology to reach that level. The issue is further complicated because it is often not possible to verify by analytical means that the constituent has been totally eliminated, as some laboratory analyses can detect constituents down to a DDW approved level with certainty and are unable to definitively identify the constituent at lower levels. In some cases, installing treatment to try and further reduce very low levels of one constituent may have adverse effects on other aspects of water quality.

CONSTITUENTS DETECTED THAT EXCEED A PHG OR MCLG

In reviewing water quality monitoring data collected during 2016, 2017, and 2018, City of Milpitas staff have concluded that a PHG Report is required that addresses coliform bacteria.

The following section presents a discussion of the detected constituent, the BATs to manage and mitigate the presence of coliform bacteria, and the results and actions taken by the City to the presence of coliform bacteria.

Coliform Bacteria

The EPA has revised the 1989 Total Coliform Rule (TCR), now known as the Revised Total Coliform Rule (RTCR). As of April 1, 2016, public water systems must comply with the requirements of the RTCR. The MCL for total coliforms is five percent (5%) positive samples of all samples collected in each month. The MCLG is zero (there is no PHG for coliform bacteria).

The reason for the coliform standard is to minimize the possibility for drinking water to contain pathogens. Pathogens are microorganisms that can cause disease if ingested. Coliform bacteria is an indicator organism that is not generally considered harmful, but is used to identify the potential presence of pathogens in water. It is not unusual for a system to have an occasional positive sample. A positive sample serves as a trigger to prompt further investigation into the presence of other organisms, requiring additional sampling and corrective actions to be implemented immediately after it is discovered.

The monitoring of a non-harmful constituent (coliform bacteria) to indicate the possible presence of harmful pathogens makes for an inexact, but generally conservative process. Therefore, it is not possible to state a specific numerical health risk associated with a given level of coliform bacteria. EPA normally sets MCLGs “at a level where no known or anticipated adverse effects on persons would occur.” When EPA published the final TCR they stated that it was not possible to determine such a level with coliform sampling. The absence of coliform bacteria is therefore the goal, and when that goal is not achieved, follow-up testing verifies whether an actual pathogen is present.

Best Available Technology to address Total Coliform

DDW identifies the best available technologies to meet the total coliform MCL in Title 22 of the California Code of Regulations Section 64447, which are as follows:

1. Protection of wells from coliform contamination by appropriate placement and construction;
2. Maintenance of a disinfectant residual throughout the distribution system;
3. Proper maintenance of the distribution system (e.g. including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, and continual maintenance of positive water pressure in all parts of the distribution system); and
4. Filtration and/or disinfection of surface water, in compliance with Section 64650, or disinfection of ground water

The City of Milpitas has implemented all of the above applicable actions or processes, or obtains water from suppliers who implement these processes (such as filtration and disinfection). There is one method that may further reduce or eliminate the presence of total coliform, which is to increase the amount of disinfectant residual in the distribution system; however, the tradeoff includes the increased potential for the presence of cancer-causing disinfection byproducts. In the interest of protecting the public's health, the City will continue to implement the current technologies, as well as its ongoing monitoring and maintenance program. As such, there is no estimated cost associated with additional treatment to reduce the incidence of coliform bacteria.

Milpitas Total Coliform Rule Monitoring Results

Each month the City collects at least 136 samples (both compliance and operational samples) from sites located throughout the distribution system that are analyzed for the presence of coliform bacteria. If a positive coliform sample is found, follow-up sampling is done for more specific indicators of bacterial contamination. Additionally, if the source of the contamination is known or can be determined, corrective actions are taken to address the issue.

Over the last three years, the monthly percentage of positive samples for coliform bacteria ranged from 0% to 1%. All instances where a positive coliform sample was initially found, follow-up samples were negative for *E. coli* bacteria. The data indicated that these were isolated incidents, and the quality of the water in the distribution system was never compromised.

The City works closely with our regional water suppliers, Valley Water and SFPUC. Both provide filtration and water with a chloramine residual in accordance with the RTCR.

Other measures and programs that the City implements to protect the microbiological quality of the drinking water served include:

- flushing of distribution system dead-ends as needed;
- flushing of hydrants as needed;
- implementation of a cross-connection control program;
- monitoring of a disinfectant residual throughout the distribution system;
- ongoing microbiological monitoring and surveillance program of all supply sources, storage, and the distribution system; and
- implementation of a nitrification response plan; and
- maintenance of positive pressures throughout the distribution system at all times.

As stated above, monitoring for coliform bacteria to indicate the possible presence of harmful pathogens is a conservative, yet inexact process. As such, there is no specific numerical correlation to health risk. However, the City has implemented a vigilant monitoring and maintenance program that is intended to meet the requirements of the RTCR and protect public health.

No additional actions are recommended at this time for coliform bacteria.

SUMMARY AND CONCLUSION

The drinking water for the City of Milpitas meets all standards established by DDW and USEPA to protect public health. No additional treatment is recommended in an effort to decrease the incidence of total coliform in system water testing. The level of total coliform detected is well below the MCL, and elimination may be impossible. Therefore, no additional actions are proposed at this time for reducing coliform bacteria. The City and its water suppliers will continue to implement the BATs for total coliform as well as the monitoring and maintenance program.

Attachments:

1. Table of Regulated Constituents with MCLs, PHGs or MCLGs
2. Consumer Confidence Reports for 2016, 2017 and 2018.

ATTACHMENT NO. 1

MCLs, DLRs and PHGs for Regulated Drinking Water Contaminants

Last Update: December 26, 2018

Prepared and provided by the Association of California Water Agencies (ACWA).

ATTACHMENT NO. 1
2019 PHG Triennial Report: Calendar Years 2016-2017-2018

MCLs, DLRs, and PHGs for Regulated Drinking Water Contaminants

(Units are in milligrams per liter (mg/L), unless otherwise noted.)

Last Update: December 26, 2018

This table includes:

California's maximum contaminant levels (MCLs)

Detection limits for purposes of reporting (DLRs)

[Public health goals \(PHGs\) from the Office of Environmental Health Hazard Assessment \(OEHHA\)](#)

Also, the PHG for NDMA (which is not yet regulated) is included at the bottom of this table.

Regulated Contaminant	MCL	DLR	PHG	Date of PHG
<i>Chemicals with MCLs in 22 CCR §64431—Inorganic Chemicals</i>				
Aluminum	1	0.05	0.6	2001
Antimony	0.006	0.006	0.001	2016
Arsenic	0.010	0.002	0.000004	2004
Asbestos (MFL = million fibers per liter; for fibers >10 microns long)	7 MFL	0.2 MFL	7 MFL	2003
Barium	1	0.1	2	2003
Beryllium	0.004	0.001	0.001	2003
Cadmium	0.005	0.001	0.00004	2006
Chromium, Total - OEHHA withdrew the 0.0025-mg/L PHG	0.05	0.01	withdrawn Nov. 2001	1999
Chromium, Hexavalent - 0.01-mg/L MCL & 0.001-mg/L DLR repealed September 2017	--	--	0.00002	2011
Cyanide	0.15	0.1	0.15	1997
Fluoride	2	0.1	1	1997
Mercury (inorganic)	0.002	0.001	0.0012	1999 (rev2005)*
Nickel	0.1	0.01	0.012	2001
Nitrate (as nitrogen, N)	10 as N	0.4	45 as NO ₃ (=10 as N)	2018
Nitrite (as N)	1 as N	0.4	1 as N	2018
Nitrate + Nitrite (as N)	10 as N	--	10 as N	2018
Perchlorate	0.006	0.004	0.001	2015
Selenium	0.05	0.005	0.03	2010
Thallium	0.002	0.001	0.0001	1999 (rev2004)
<i>Copper and Lead, 22 CCR §64672.3</i>				
<i>Values referred to as MCLs for lead and copper are not actually MCLs; instead, they are called "Action Levels" under the lead and copper rule</i>				
Copper	1.3	0.05	0.3	2008

ATTACHMENT NO. 1
2019 PHG Triennial Report: Calendar Years 2016-2017-2018

Lead	0.015	0.005	0.0002	2009
Radionuclides with MCLs in 22 CCR §64441 and §64443—Radioactivity				
[units are picocuries per liter (pCi/L), unless otherwise stated; n/a = not applicable]				
Gross alpha particle activity - OEHHA concluded in 2003 that a PHG was not practical	15	3	none	n/a
Gross beta particle activity - OEHHA concluded in 2003 that a PHG was not practical	4 mrem/yr	4	none	n/a
Radium-226	--	1	0.05	2006
Radium-228	--	1	0.019	2006
Radium-226 + Radium-228	5	--	--	--
Strontium-90	8	2	0.35	2006
Tritium	20,000	1,000	400	2006
Uranium	20	1	0.43	2001
Chemicals with MCLs in 22 CCR §64444—Organic Chemicals				
(a) Volatile Organic Chemicals (VOCs)				
Benzene	0.001	0.0005	0.00015	2001
Carbon tetrachloride	0.0005	0.0005	0.0001	2000
1,2-Dichlorobenzene	0.6	0.0005	0.6	1997 (rev2009)
1,4-Dichlorobenzene (p-DCB)	0.005	0.0005	0.006	1997
1,1-Dichloroethane (1,1-DCA)	0.005	0.0005	0.003	2003
1,2-Dichloroethane (1,2-DCA)	0.0005	0.0005	0.0004	1999 (rev2005)
1,1-Dichloroethylene (1,1-DCE)	0.006	0.0005	0.01	1999
cis-1,2-Dichloroethylene	0.006	0.0005	0.013	2018
trans-1,2-Dichloroethylene	0.01	0.0005	0.05	2018
Dichloromethane (Methylene chloride)	0.005	0.0005	0.004	2000
1,2-Dichloropropane	0.005	0.0005	0.0005	1999
1,3-Dichloropropene	0.0005	0.0005	0.0002	1999 (rev2006)
Ethylbenzene	0.3	0.0005	0.3	1997
Methyl tertiary butyl ether (MTBE)	0.013	0.003	0.013	1999
Monochlorobenzene	0.07	0.0005	0.07	2014
Styrene	0.1	0.0005	0.0005	2010
1,1,2,2-Tetrachloroethane	0.001	0.0005	0.0001	2003
Tetrachloroethylene (PCE)	0.005	0.0005	0.00006	2001
Toluene	0.15	0.0005	0.15	1999
1,2,4-Trichlorobenzene	0.005	0.0005	0.005	1999
1,1,1-Trichloroethane (1,1,1-TCA)	0.2	0.0005	1	2006
1,1,2-Trichloroethane (1,1,2-TCA)	0.005	0.0005	0.0003	2006
Trichloroethylene (TCE)	0.005	0.0005	0.0017	2009
Trichlorofluoromethane (Freon 11)	0.15	0.005	1.3	2014

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1,1,2-Trichloro-1,2,2-Trifluoroethane (Freon 113)	1.2	0.01	4	1997 (rev2011)
Vinyl chloride	0.0005	0.0005	0.00005	2000
Xylenes	1.75	0.0005	1.8	1997
(b) Non-Volatile Synthetic Organic Chemicals (SOCs)				
Alachlor	0.002	0.001	0.004	1997
Atrazine	0.001	0.0005	0.00015	1999
Bentazon	0.018	0.002	0.2	1999 (rev2009)
Benzo(a)pyrene	0.0002	0.0001	0.000007	2010
Carbofuran	0.018	0.005	0.0007	2016
Chlordane	0.0001	0.0001	0.00003	1997 (rev2006)
Dalapon	0.2	0.01	0.79	1997 (rev2009)
1,2-Dibromo-3-chloropropane (DBCP)	0.0002	0.00001	0.0000017	1999
2,4-Dichlorophenoxyacetic acid (2,4-D)	0.07	0.01	0.02	2009
Di(2-ethylhexyl)adipate	0.4	0.005	0.2	2003
Di(2-ethylhexyl)phthalate (DEHP)	0.004	0.003	0.012	1997
Dinoseb	0.007	0.002	0.014	1997 (rev2010)
Diquat	0.02	0.004	0.006	2016
Endothal	0.1	0.045	0.094	2014
Endrin	0.002	0.0001	0.0003	2016
Ethylene dibromide (EDB)	0.00005	0.00002	0.00001	2003
Glyphosate	0.7	0.025	0.9	2007
Heptachlor	0.00001	0.00001	0.000008	1999
Heptachlor epoxide	0.00001	0.00001	0.000006	1999
Hexachlorobenzene	0.001	0.0005	0.00003	2003
Hexachlorocyclopentadiene	0.05	0.001	0.002	2014
Lindane	0.0002	0.0002	0.000032	1999 (rev2005)
Methoxychlor	0.03	0.01	0.00009	2010
Molinate	0.02	0.002	0.001	2008
Oxamyl	0.05	0.02	0.026	2009
Pentachlorophenol	0.001	0.0002	0.0003	2009
Picloram	0.5	0.001	0.166	2016
Polychlorinated biphenyls (PCBs)	0.0005	0.0005	0.00009	2007
Simazine	0.004	0.001	0.004	2001
Thiobencarb	0.07	0.001	0.042	2016
Toxaphene	0.003	0.001	0.00003	2003
1,2,3-Trichloropropane	0.000005	0.000005	0.0000007	2009
2,3,7,8-TCDD (dioxin)	3x10 ⁻⁸	5x10 ⁻⁹	5x10 ⁻¹¹	2010
2,4,5-TP (Silvex)	0.05	0.001	0.003	2014
Chemicals with MCLs in 22 CCR §64533—Disinfection Byproducts				
Total Trihalomethanes	0.080	--	--	--
Bromodichloromethane	--	0.0010	0.00006	2018 draft

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2019 PHG Triennial Report: Calendar Years 2016-2017-2018

Bromoform	--	0.0010	0.0005	2018 draft
Chloroform	--	0.0010	0.0004	2018 draft
Dibromochloromethane	--	0.0010	0.0001	2018 draft
Haloacetic Acids (five) (HAA5)	0.060	--	--	--
Monochloroacetic Acid	--	0.0020	--	--
Dichloroacetic Acid	--	0.0010	--	--
Trichloroacetic Acid	--	0.0010	--	--
Monobromoacetic Acid	--	0.0010	--	--
Dibromoacetic Acid	--	0.0010	--	--
Bromate	0.010	0.0050**	0.0001	2009
Chlorite	1.0	0.020	0.05	2009
<i>Chemicals with PHGs established in response to DDW requests. These are not currently regulated drinking water contaminants.</i>				
N-Nitrosodimethylamine (NDMA)	--	--	0.000003	2006
*OEHHA's review of this chemical during the year indicated (rev20XX) resulted in no change in the PHG.				
**The DLR for Bromate is 0.0010 mg/L for analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0.				

ATTACHMENT NO. 2

City of Milpitas Consumer Confidence Reports:

- 2016 Water Quality Report
- 2017 Water Quality Report
- 2018 Water Quality Report

Important contact information

City contacts

City of Milpitas
455 E Calaveras Blvd.
Milpitas, CA 95035
(408) 586-3000; TDD (408) 586-2643
www.ci.milpitas.ca.gov

Hours of operation
8 a.m. to 5 p.m., M–F

Water Emergencies
(408) 586-2600, Business Hours
(408) 586-2400, After Hours

Billing Questions
(408) 586-3100

Water Conservation Hotline
(408) 586-2666

SCVWD Pollution Hotline
(888) 510-5151 (24 Hours)

More information

For more information about this report or the City's water quality monitoring program, please contact:

Glen Campi, Public Works Manager for Utilities, City of Milpitas
(408) 586-2600; gcampi@ci.milpitas.ca.gov

Resources

Division of Drinking Water
waterboards.ca.gov/drinking_water/
(510) 620-3474

US EPA
water.epa.gov/drink
(800) 426-4791

Department of Water Resources
www.dwr.water.ca.gov

Bay Area Water Supply and Conservation Agency
bawsca.org

American Water Works Association
awwa.org or DrinkTap.org

SCVWD **SFPUC**
valleywater.org sfwater.org

How to get involved

City Council meetings typically occur on the first and third Tuesday of every month at 7:00 pm in the City Hall Council Chambers located at 455 E. Calaveras Blvd. City Council agendas are posted prior to each meeting at City Hall and on the City's website. www.ci.milpitas.ca.gov



CITY OF MILPITAS 2016 Water Quality Report

This report contains important information about your drinking water. Translate it, or speak with someone who understands it.

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Ito ay isang mahalagang impormasyon tungkol sa inyong iniinom na tubig. Isaling-wika ito, o makipag-usap sa isang tao na naiintindihan ito.

Chi tiết này thật quan trọng. Xin nhờ người dịch cho quý vị.

此份有關你的食水報告 內有重要資料和訊息 請找他人為你翻譯及解釋清楚。

यह महत्वपूर्ण जानकारी आपके पीने के पानी के बारे में है। इसका अनुवाद करें, या किसी ऐसे व्यक्ति से बात करें जो इसे समझता हो।

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
www.ci.milpitas.ca.gov



Frequently asked questions

Why is my water brown or not clear? Stagnant water sitting in aging plumbing may become brown. This should clear up once sitting water is flushed out from the pipes and replaced with fresh water. Brown water could also be from blocked or clogged sink fixture aerators. Aerators are located at the end of a fixture and can be removed and flushed to clear any debris. Once flushed, hand-tighten to reassemble.

Is there fluoride in the water? The City receives fluoridated water from SFPUC and SCVWD. SFPUC has been fluoridating water since 1995 while SCVWD began fluoridation in December of 2016.

Why has my water pressure dropped suddenly? Depending on your location, you could receive water pressure between 40 to 140 psi. Water pressure could have dropped for a variety of reasons. If your water pressure drops unexpectedly please call Milpitas Public Works Dept at (408) 586-2600. You can also check for clogged strainers and proper operation of any pressure regulator (setting).

How can I treat my drinking water after a disaster? If you run out of stored drinking water, strain and treat water from your water heater or toilet reservoir tank (except if you use toilet tank cleaners.) You cannot drink swimming pool or spa water, but it can be used for flushing toilets or washing.

- Strain large particles by pouring water through a couple of layers of paper towels or clean cloth. Purify the water by:
- Boiling. Bring to a rolling boil and maintain for 3-5 minutes. To improve the taste, pour it back and forth between two clean containers to add oxygen back into the water.
- Disinfecting. If the water is clear, add 8 drops of bleach per gallon. If it is cloudy, add 16 drops. Shake or stir, then let stand for 30 minutes. A slight chlorine taste and smell is normal.

Is the drought over? Have the water use restrictions been lifted? This past winter, California experienced significant precipitation that filled local reservoirs and created an ample snow pack. Our water suppliers have relaxed water restrictions for 2017, but many areas of the state are still experiencing water shortages due to their reliance on groundwater that takes time to rebound. The water supply future is difficult to predict and California could quickly be back in drought response mode. Therefore, it is important to create water conservation habits. In February 2017, the State renewed their Resolution for Emergency Drought Response and below is a list of ongoing water conservation practices:

- Apply only as much water as your landscape needs to prevent water runoff onto streets and sidewalks
- Wash vehicles with a hose that has a shut-off nozzle
- Use a broom to clean driveways and sidewalks
- Recirculate potable water in fountains or decorative water features
- Do not water landscapes during or within 48 hours of measureable rainfall
- Restaurants will serve drinking water only upon request
- Guests of hotels and motels can choose not to have towels and linens laundered daily

How can I prepare for an emergency? In a disaster or emergency situation, water supplies may be cut off or contaminated. Store enough water for everyone in your family to last for at least 3 days. Store one gallon of water, per person, per day. This amount will be adequate for general drinking purposes. Three gallons per person per day is also sufficient for limited cooking and personal hygiene use. If you store tap water, store water in food grade plastic containers. Replace water at least once every six months. If you buy bottled “spring” or “drinking” water, keep it in its original container. Label bottles with their replacement date and store in a cool, dark place.



Last year your tap water met all USEPA and State drinking water health standards. We vigilantly safeguard our water supplies, and once again, we are proud to report that our system had no water quality standard violations in 2016.

Look inside for more information about our water quality.

Our drinking water and how we protect it

The City of Milpitas draws water from two sources to provide clean water to residents and businesses. The water is purchased from two separate wholesalers: treated surface water from the San Francisco Public Utilities Commission (SFPUC) and treated surface water from the Santa Clara Valley Water District (SCVWD). In the event that water supply is interrupted from either SCVWD or SFPUC, the City has the option of utilizing its emergency supply to meet basic water needs. In 2016, the City supplied an average of 6.9 million gallons of water per day to approximately 16,000 homes and businesses for indoor and outdoor use in Milpitas.



Hetch Hetchy Reservoir

SFPUC Supply

SFPUC water is a combination of Hetch Hetchy water and treated local water. Most of SFPUC's water comes from the Hetch Hetchy watershed located in the Sierra Nevada Mountains which is exempt from filtration requirements by the United States Environmental Protection agency (USEPA) and State Water Resources Control Boards' Division of Drinking Water (DDW), due to the protected Sierra spring snow melt water source. Local water is collected within the Alameda watershed at Calaveras Reservoir and San Antonio Reservoir. Local water is treated through filtration and disinfection at the Sunol Valley Water Treatment Plant.

SCVWD Supply

SCVWD water is primarily from the Sacramento-San Joaquin Delta watershed via the South Bay Aqueduct, Dyer Reservoir, Lake Del Valle, and San Luis Reservoir. The water supply is supplemented by local water sources in Anderson and Calero Reservoirs for filtration and disinfection at Penitencia and Santa Teresa Water Treatment Plants.

Emergency Supplies

The City does not blend or combine SFPUC and SCVWD waters under normal operating conditions. However, the service areas can be physically interconnected to provide emergency water supply if needed. The City's water system is also interconnected with the Alameda County Water District to the north and San Jose Water Company to the south. In the event that there is an emergency, either or both agencies can provide water to the City. SFPUC and SCVWD share an intertie that can supply water from one wholesaler to the other. The City's Pinewood Well, located in the southwestern portion of the City, is also an emergency water supply.

Drinking Water Source Assessment Program

Drinking Water Source Assessment Programs evaluate the vulnerability of water sources to potential contamination. Both SFPUC and SCVWD have conducted drinking water source assessments for the City's potable water supplies. The assessments are available for review at the State Water Resources Control Board (SWRCB) – Division of Drinking Water District Office. You may request that a summary of the assessments be sent to you by calling (510) 620-3474.

SFPUC conducts a watershed sanitary survey for the Hetch Hetchy source annually as well as every five years for local water sources. These surveys evaluate the sanitary condition, water quality, potential contamination sources, and the results of watershed management activities. The surveys were completed with support from partner agencies including the National Park Service and US Forest Service. These surveys have identified wildlife, stock, and human activities as potential contamination sources.

SCVWD's water source is vulnerable to potential contamination from a variety of land use practices, such as agricultural and urban runoff, recreational activities, livestock grazing, and residential and industrial development. The imported sources are also vulnerable to wastewater treatment plant discharges, seawater intrusion, and wild fires in open space areas. In addition, local sources are also vulnerable to potential contamination from commercial stables and historic mining practices. No contaminants associated with any of these activities have been detected in SCVWD's treated water. The water treatment plants provide multiple barriers for physical removal and disinfection of contaminants.

Recycled Water – providing drought-proof, high quality water for our community

In 2016, irrigation, commercial, and industrial customers in Milpitas used 274 million gallons of recycled water, thereby conserving an equal amount of drinking water. Recycled water from the San Jose/Santa Clara Water Pollution Control Plant undergoes an extensive treatment process (including filtration and disinfection) and is delivered to landscape irrigation and industrial process customers in Milpitas, San Jose, and Santa Clara. Visit www.sanjoseca.gov/sbwr.

Contaminants and Regulations

To ensure that tap water is safe to drink, the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board (State Board) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. The U.S. Food and Drug Administration regulations and California law also establish limits for contaminants in bottled water that provide the same protection for public health.

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- **Microbial Contaminants** such as viruses and bacteria that may come from sewage treatment plants, septic systems, agricultural livestock operations and wildlife.
- **Inorganic Contaminants** such as salts and metals, that can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.
- **Pesticides and Herbicides** that may come from a variety of sources such as agriculture, urban stormwater runoff and residential uses.
- **Organic Chemical Contaminants** including synthetic and volatile organic chemicals that are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, agricultural application and septic systems.
- **Radioactive Contaminants** that can be naturally-occurring or be the result of oil and gas production and mining activities.



Maintaining water quality

The City is dedicated to maintaining the water quality and protecting the water supply from contamination. The safeguards include a combination of preventative and monitoring practices described below.

Hydrant and Water Main Flushing. Flushing of fire hydrants and water mains is performed to remove sediment and keep the distribution system refreshed by circulating water in pipes. As a result, residents in the immediate vicinity may experience temporary discoloration in their water. This discoloration does not affect the safety of the water. If you experience discoloration in your water after crews have been flushing in your neighborhood, clear the water from your home pipes by running water faucets for a few minutes.

Backflow Testing. A backflow preventer is a plumbing device that keeps the water supply safe by preventing used water from flowing back into the City's distribution system. The City sends yearly testing notifications to backflow device owners requiring appropriate testing and maintenance to ensure all devices are operating correctly.

Water Sampling. Sampling of the water system is performed in accordance to state rules and regulations in order to verify the quality. This requires purging of the water line for a sample to be lab tested.

Littering is throwing it all away

Nearly 80 percent of the debris found in our watershed, creeks, shoreline, and the South San Francisco Bay is washed, blown or dumped there from land. One piece of litter can end up miles from where it is discarded on a suburban street, polluting our water systems and causing a threat to wildlife. The primary sources of litter are: pedestrians, motorists, trucks with uncovered loads, household trash handling and its placement at the curb, loading docks, and demolition sites.

Because we live in a watershed, our community's litter makes a very big impact. A watershed is a land area that drains water into a creek, river, lake, wetland, bay or groundwater aquifer. In the Santa Clara Valley, the water from rain and irrigation (called runoff) picks up litter and carries it directly into storm drains and creeks that flow to San Francisco Bay.

You Can Make a Difference

- Don't litter, ever. Even a cigarette butt thrown on a city street can pollute the environment.
- When you see litter, pick it up and dispose of it properly.
- Secure and cover all truckloads of loose debris.
- Make sure your trash can lid is closed securely.
- Always bring a bag for trash when picnicking, hiking or camping.
- If you own a business, check your dumpster on a regular basis, keep it locked and protect it from illegal dumping.
- Report illegal dumping to the Milpitas Police Dept. at (408) 586-2400. For solid waste and street sweeping services, call Republic Customer Service at (408) 432-1234.
- Call the Santa Clara Countywide Recycling Hotline at (800) 533-8414 or visit www.reducewaste.org to find out where to dispose of large commercial items such as furniture, appliances, etc.

2016

Water Quality Data

In 2016, The City of Milpitas collected over 2,000 drinking water samples to be analyzed in State-certified laboratories.

The water supplied in Milpitas met all USEPA and State drinking water health standards in 2016, as shown in the adjacent table, which lists all drinking water constituents that were detected during the 2016 calendar year. A full list of tested constituents is available upon request. Unless otherwise noted, the data presented in this table reflects testing completed between January 1 and December 31, 2016.



Some data—although representative—were collected prior to 2016, as the State Board requires monitoring for some constituents less than once per year since the concentrations of these constituents do not vary frequently or significantly.

What else should I know?

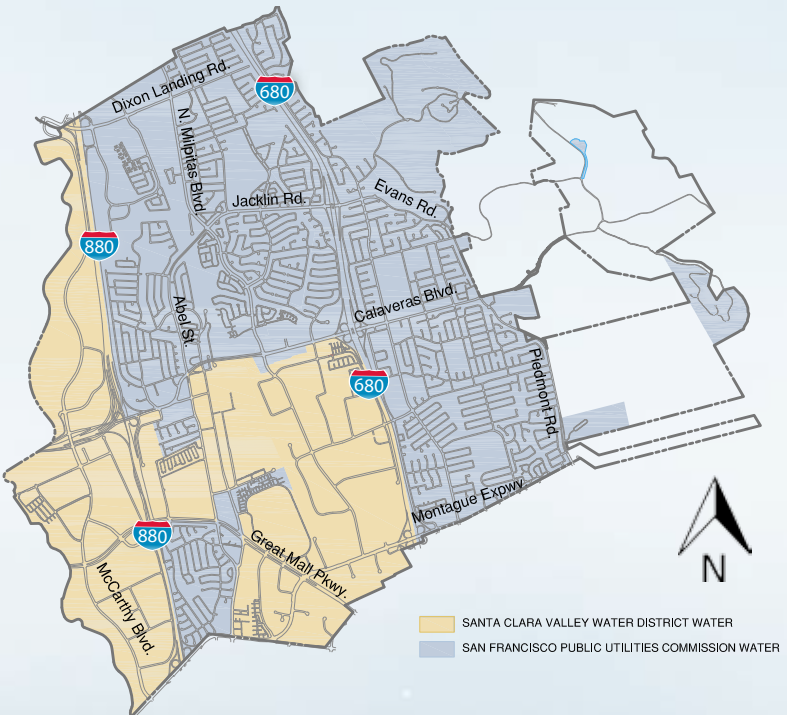
Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons, such as persons with cancer undergoing chemotherapy; persons who have undergone organ transplants; people with HIV/AIDS or other immune system disorders; some elderly; and infants can be particularly at risk from infections. These individuals should seek advice from their health care providers.

USEPA/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline. Call (800) 426-4791

Water Supply Map

The City serves SFPUC source water to the area south of Calaveras Blvd and east of I-680, as well as north of Calaveras Blvd and east of I-880. SCVWD service areas are west of I-880, as well as south of Calaveras Blvd and west of I-680. Refer to the Water Supply Map below to see where your water comes from.



PRIMARY DRINKING WATER STANDARDS (PUBLIC HEALTH RELATED STANDARDS)										
PARAMETER	Unit	MCL, (AL), or [MRDL]	PHG, (MCLG), or [MRDLG]	Distribution System		SCWWD _b		SFPUC		Typical Sources*
				Average	Range	Average	Range	Average	Range	
SOURCE WATER SAMPLING										
INORGANIC CHEMICALS										
Aluminum	ppm	1	0.6			0.072	ND–0.180	ND	ND–0.055	3, 4
Fluoride	ppm	2	1			ND	ND	0.3	ND–0.8	3, 5, 6
Nitrate (as Nitrogen)	ppm	10	10			ND	ND–1.2	ND	ND	3, 7, 8
DISINFECTION BYPRODUCT PRECURSOR										
TOC (precursor control)	ppm	TT	NA			2.4	1.5–3.8	2.4	1.6–5.3	10
MICROBIOLOGICAL										
Giardia Lamblia	cysts/L	TT	(0)			ND	ND	0.03	0–0.11	1
Turbidity	NTU	TT _a	NA			0.07	0.05–0.16	1 _c	98–100% _d	2
DISTRIBUTION SYSTEM SAMPLING										
LEAD AND COPPER RULE STUDY (MILPITAS 2016 AT-THE-TAP SAMPLING)				90th Percentile			# of Samples Above AL			
Lead	ppb	(15)	0.2	1.6			2 out of 37			3, 17, 19
Copper	ppm	(1.3)	0.3	0.049			0 out of 37			3, 17, 18
DISINFECTION RESIDUALS AND BYPRODUCTS				Highest Location RAA			Range			
Disinfectant Residual as Chlorine	ppm	[4]	[4]	2.54			0.2–4.0			20
Total Trihalomethanes	ppb	80	NA	56.8			25–59			9
Haloacetic Acids	ppb	60	NA	54.5			0–76			9
MICROBIOLOGICAL				Average			Range			
Total Coliform Bacteria	% pos / month	5.0%	(0)	0.15%			0–0.97%			1
SECONDARY DRINKING WATER STANDARDS (AESTHETIC STANDARDS)										
PARAMETER	Unit	MCL		Average	Range	Average	Range	Average	Range	Sources*
Aluminum	ppb	200		NA	NA	72	ND–180	ND	ND–55	3, 4
Chloride	ppm	500		NA	NA	77	53–115	8.8	ND–16	11, 12, 14
Color	CU	15		ND	ND–15	1	ND–4	ND	ND–11	13
Odor — Threshold	TON	3		ND	ND	1	1	ND	ND	13
Specific Conductance	μS/cm	1600		NA	NA	536	325–736	146	31–218	14, 16
Sulfate	ppm	500		NA	NA	53	20–70	16	1–30	11, 12, 15
Total Dissolved Solids	ppm	1000		NA	NA	306	180–424	63	ND–95	11, 12
UNREGULATED PARAMETERS FOR UCMR (2014-2015)										
PARAMETER	Unit	NL		Average	Range	Average	Range	Average	Range	
Chlorate	ppb	800		120	68–190	144	72–290	143	47–250	
Boron	ppb	1000		NA	NA	139	ND–227	ND	ND–123	
Molybdenum	ppb	NS		1.9	1.8–2.0	1.5	ND–2	NA	NA	
Strontium	ppb	NS		151	14–290	ND	ND	95	13–204	
Vanadium	ppb	50		ND	ND–4.5	ND	ND–4	NA	NA	
OTHER WATER QUALITY PARAMETERS										
PARAMETER	Unit	MCL		Average	Range	Average	Range	Average	Range	
Hardness (as Calcium Carbonate)	ppm	NS		NA	N/A	107	58–136	44	8–76	
pH	–	NS		9	7.2–10.0	7.8	7.6–7.9	9.4	8.2–9.8	
Sodium	ppm	NS		NA	NA	56	36–80	11	2.6–17	
Temperature	°C	NS		NA	NA	20	15–24	NA	NA	

Water Quality Information

Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Infants and young children are typically more vulnerable to lead in drinking water than the general population. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The City is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested by a laboratory and/or flush your tap. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you do so, you may wish to collect the flushed water and reuse it for another beneficial purpose, such as watering plants. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the USEPA Safe Drinking Water Hotline or at (800) 426-4791 or at epa.gov/lead.

Fluoride and Dental Fluorosis

All water supplied by SFPUC is fluoridated. The fluoride levels in treated water are maintained within the range required by state regulations. SFPUC water is fluoridated at an optimal level of 0.7 ppm. Water supplied by SCVWD's Santa Teresa treatment plant began fluoridation in December 2016. SCVWD's Penitencia Treatment Plant will begin fluoridation in 2017. Infants fed formula mixed with water containing fluoride may have an increased chance of developing tiny white lines or streaks in their teeth. These marks are referred to as mild fluorosis, and are often only visible under a microscope. Even in cases where the marks are visible, they do not pose any health risk. The Center for Disease Control (CDC) considers it safe to use optimally fluoridated water for preparing infant formula. To lessen this chance of dental fluorosis, you may choose to use low-fluoride bottled water to prepare infant formula. Nevertheless, children may still develop dental fluorosis due to fluoride intake from other sources such as food, toothpaste and dental products. Contact your health provider or SWRCB if you have concerns about dental fluorosis. For additional information visit the SWRCB website www.swrcb.ca.gov and search for fluoride, or the CDC website www.cdc.gov/fluoridation.

Disinfection with Chloramine

Both SFPUC and SCVWD waters are treated with chloramine to protect public health. Chloramine assists in destroying disease-causing organisms. Chloramine is considered safe for use as a water disinfectant. However, home dialysis patients and aquarium owners must take precautions before using the chloraminated water in kidney dialysis machines or aquariums. Dialysis patients should consult with their doctor or dialysis technician and aquarium owners should consult with their pet store.

Hardness

Water hardness is determined mainly by the presence of calcium and magnesium salts. Although hard water does not pose a health risk, it may be considered undesirable for other reasons. Some benefits of water softening are reductions in soap usage, longer life for water heaters and a decrease in encrustation of pipes; disadvantages are an increase in sodium intake, an increase in maintenance and servicing and potential adverse effects on salt-sensitive plants. To convert hardness from ppm to grains per gallon, divide by 17.1. A hardness scale is provided below for your reference.

Hardness Classification	Grains per Gallon	ppm
Soft	less than 1.0	less than 17.1
Slightly hard	1.0–3.5	17.1–60
Moderately hard	3.5–7.0	60–120
Hard	7.0–10.5	120–180
Very hard	over 10.5	over 180

Abbreviations

°C	Degrees Celsius
CU	Color unit
cysts/L	Cysts per liter
DDW	Division of Drinking Water
NA	Not applicable
ND	Not detected
NS	No standard
NTU	Nephelometric turbidity unit
ppb	parts per billion (micrograms per liter)
ppm	parts per million (milligrams per liter)
μS/cm	microSiemens per centimeter
% pos	% positive
RAA	Running annual average
SCVWD	Santa Clara Valley Water District
SFPUC	San Francisco Public Utilities Commission
TOC	Total organic carbon
TON	Threshold odor number
USEPA	United States Environmental Protection Agency

Definitions of Key Terms

Maximum Contaminant Level (MCL). The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically feasible. Secondary MCLs are set to protect the odor, taste and appearance of drinking water. MCLs are established by USEPA and the State Board.

Maximum Contaminant Level Goal (MCLG). The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs are set by the USEPA.

Maximum Residual Disinfectant Level (MRDL). The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG). The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

Notification Level (NL). Health based advisory levels established by SWRCB for chemicals in drinking water that lack MCLs.

Primary Drinking Water Standard (PDWS). MCLs and MRDLs for contaminants that affect health along with their monitoring and reporting requirements and water treatment requirements.

Public Health Goal (PHG). The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California Office of Environmental Health Hazard Assessment.

Regulatory Action Level (AL). The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

Treatment Technique (TT). A required process intended to reduce the level of a contaminant in drinking water.

Total Organic Carbon (TOC). TOC is precursor for disinfection byproduct formation.

Turbidity. Turbidity is a measure of the cloudiness of the water, and is also used to indicate the effectiveness of the filtration system. High turbidity can hinder the effectiveness of disinfectants.

UCMR. Unregulated Contaminant Monitoring Rule requires monitoring for contaminants not currently regulated. This monitoring provides a basis for future regulatory actions to protect public health.

NOTES

- For unfiltered water, the MCL is 5.0 NTU. For filtered water, the MCL is ≤0.3 NTU 95% of the time.
- Water system was fed by Santa Teresa and Penitencia Water Treatment Plants.
- Maximum value measured.
- Percent of time turbidity was maintained at or below 0.3 NTU.

Important contact information

City contacts

City of Milpitas
455 E Calaveras Blvd.
Milpitas, CA 95035
(408) 586-3000; TDD (408) 586-2643
www.ci.milpitas.ca.gov

Hours of operation
8 a.m. to 5 p.m., M–F

Water Emergencies
(408) 586-2600, Business Hours
(408) 586-2400, After Hours

Billing Questions
(408) 586-3100

Water Conservation Hotline
(408) 586-2666

SCVWD Pollution Hotline
(888) 510-5151 (24 Hours)

Resources

Division of Drinking Water
waterboards.ca.gov/drinking_water/
(510) 620-3474

US EPA
water.epa.gov/drink
(800) 426-4791

Department of Water Resources
www.dwr.water.ca.gov

Bay Area Water Supply and Conservation Agency
bawsca.org

American Water Works Association
awwa.org or DrinkTap.org

SCVWD **SFPUC**
valleywater.org sfwater.org

More information

For more information about this report or the City's water quality monitoring program, please contact:

Glen Campi, Public Works Manager for Utilities, City of Milpitas
(408) 586-2600; gcampi@ci.milpitas.ca.gov

How to get involved

City Council meetings typically occur on the first and third Tuesday of every month at 7:00 pm in the City Hall Council Chambers located at 455 E. Calaveras Blvd. City Council agendas are posted prior to each meeting at City Hall and on the City's website. www.ci.milpitas.ca.gov



CITY OF MILPITAS 2017
Water Quality Report

This report contains important information about your drinking water. Translate it, or speak with someone who understands it.

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Ito ay isang mahalagang impormasyon tungkol sa inyong iniinom na tubig. Isaling-wika ito, o makipag-usap sa isang tao na naiintindihan ito.

Chi tiết này thật quan trọng. Xin nhờ người dịch cho quý vị.

此份有關你的食水報告 內有重要資料和訊息 請找他人為你翻譯及解釋清楚。

यह महत्वपूर्ण जानकारी आपके पीने के पानी के बारे में है। इसका अनुवाद करें, या किसी ऐसे व्यक्ति से बात करें जो इसे समझता हो।

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
www.ci.milpitas.ca.gov



Frequently asked questions

Why is my water brown or not clear? Stagnant water sitting in aging plumbing may become brown. This should clear up once sitting water is flushed out from the pipes and replaced with fresh water. Brown water could also be from blocked or clogged sink fixture aerators. Aerators are located at the end of a fixture and can be removed and flushed to clear any debris. Once flushed, hand-tighten to reassemble.

Is there fluoride in the water? The City receives fluoridated water from SFPUC and SCVWD. SFPUC has been fluoridating water since 1995 while SCVWD began fluoridation in December of 2016.

Why has my water pressure dropped suddenly? Depending on your location, you could receive water pressure between 40 to 140 psi. Water pressure could have dropped for a variety of reasons. If your water pressure drops unexpectedly please call Milpitas Public Works Dept at (408) 586-2600. You can also check for clogged strainers and proper operation of any pressure regulators (setting).

How can I treat my drinking water after a disaster? If you run out of stored drinking water, strain and treat water from your water heater or toilet reservoir tank (except if you use toilet tank cleaners.) You cannot drink swimming pool or spa water, but it can be used for flushing toilets or washing.

- Strain large particles by pouring water through a couple of layers of paper towels or clean cloth. Purify the water by:
- Boiling. Bring to a rolling boil and maintain for 3-5 minutes. To improve the taste, pour it back and forth between two clean containers to add oxygen back into the water.
- Disinfecting. If the water is clear, add 8 drops of bleach per gallon of water. If it is cloudy, add 16 drops. Shake or stir, then let stand for 30 minutes. A slight chlorine taste and smell is to be expected.

What is the state of the drought and what is "Making Water Conservation A California Way of Life"?

On April 7, 2017 Governor Brown issued Executive Order B-40-17, terminating the January 17, 2014 drought State of Emergency for most counties in California. The Order does however direct the Water Board to continue "Making Water Conversation a California Way of Life" and keep certain restrictions to prohibit wasteful practices. These restrictions along with additional water conservation measures set by the City include:

- Apply only as much water as your landscape needs to prevent water runoff onto streets and sidewalks
- Wash vehicles with a hose that has a shut-off nozzle
- Use a broom to clean driveways and sidewalks
- Recirculate potable water in fountains or decorative water features
- Do not water landscapes during or within 48 hours of measureable rainfall
- Restaurants to only serve drinking water upon request
- Guests of hotels and motels can choose not to have towels and linens laundered daily
- Pools and spas must be covered when not in use to prevent evaporation

How can I prepare for an emergency? In a disaster or emergency situation, water supplies may be cut off or contaminated. Store enough water to supply everyone in your family for at least 3 days. For general drinking purposes, store one gallon of water, per person, per day, and three gallons of water, per person, per day for limited cooking and personal hygiene use. If you store tap water, use food grade plastic containers. Replace water at least once every six months. If you buy bottled "spring" or "drinking" water, keep it in its original container. Label bottles with their replacement date and store in a cool, dark place.



Last year your tap water met all USEPA and State drinking water health standards. We vigilantly safeguard our water supplies, and once again, we are proud to report that our system had no water quality standard violations in 2017

Look inside for more information about our water quality.

Our drinking water and how we protect it

The City of Milpitas draws water from two sources to provide clean water to residents and businesses. The water is purchased from two separate wholesalers: treated surface water from the San Francisco Public Utilities Commission (SFPUC) and treated surface water from the Santa Clara Valley Water District (SCVWD). In the event that water supply is interrupted from either SCVWD or SFPUC, the City has the option of utilizing its emergency supply to meet basic water needs for a short duration of time. In 2017, the City supplied an average of 6.8 million gallons of water per day to approximately 16,000 homes and businesses for indoor and outdoor use.



Hetch Hetchy Reservoir

SFPUC Supply

SFPUC water is a combination of Hetch Hetchy water and treated local water. Most of SFPUC's water is sourced from the Hetch Hetchy watershed located in the Sierra Nevada Mountains. This water is exempt from filtration requirements by the United States Environmental Protection Agency (USEPA) and State Water Resources Control Boards' Division of Drinking Water (DDW), due to the protected Sierra spring snow melt water source. Local water is collected within the Alameda watershed at Calaveras Reservoir and San Antonio Reservoir. Local water is treated through filtration and disinfection at the Sunol Valley Water Treatment Plant.

SCVWD Supply

SCVWD water is sourced primarily from the Sacramento-San Joaquin Delta watershed via the South Bay Aqueduct, Dyer Reservoir, Lake Del Valle, and San Luis Reservoir. The water supply is supplemented by local water sources at Anderson and Calero Reservoirs. SCVWD water is treated through filtration and disinfection at Penitencia and Santa Teresa Water Treatment Plants.

Emergency Supplies

The City does not blend or combine SFPUC and SCVWD waters under normal operating conditions. However, the service areas can be interconnected to provide emergency water supply if needed. The City's water system is also interconnected with the Alameda County Water District to the north and San Jose Water Company to the south. In the event that there is an emergency, either or both agencies can provide water to the City. SFPUC and SCVWD share an intertie that can supply water from one wholesaler to the other. The City can also provide temporary emergency water supply using Pinewood Well, located in the southwestern portion of the City.

Drinking Water Source Assessment Program

Drinking Water Source Assessment Programs evaluate the vulnerability of water sources to potential contamination. Both SFPUC and SCVWD have conducted drinking water source assessments for the City's potable water supplies. The assessments are available for review at the State Water Resources Control Board (SWRCB) – Division of Drinking Water District Office. You may request that a summary of the assessments be sent to you by calling (510) 620-3474.

SFPUC conducts an annual watershed sanitary survey for the Hetch Hetchy source as well as five year sanitary surveys for local water sources. These surveys evaluate the sanitary condition, water quality, potential contamination sources, and the results of watershed management activities. The surveys were completed with support from partner agencies including the National Park Service and US Forest Service. These surveys have identified wildlife, stock, and human activities as potential contamination sources.

SCVWD's water sources are vulnerable to potential contamination from a variety of land use practices, such as agricultural and urban runoff, recreational activities, livestock grazing, and residential and industrial development. The imported sources are also vulnerable to wastewater treatment plant discharges, seawater intrusion, and wild fires in open space areas. In addition, local sources are also vulnerable to potential contamination from commercial stables and historic mining practices. No contaminants associated with any of these activities have been detected in SCVWD's treated water. The water treatment plants provide multiple barriers for physical removal and disinfection of contaminants.

Recycled Water – providing drought-proof, high quality water for our community

In 2017, irrigation, commercial, and industrial customers in Milpitas used 277 million gallons of recycled water, thereby conserving an equal amount of potable drinking water. Recycled water from the San Jose/Santa Clara Water Pollution Control Plant undergoes an extensive treatment process (including filtration and disinfection) and is delivered to landscape irrigation and industrial customers in Milpitas, San Jose, and Santa Clara. Visit www.sanjoseca.gov/sbwr.

Contaminants and Regulations

To ensure that tap water is safe to drink, the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board (State Board) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. The State Board regulations also establish limits for contaminants in bottled water that provide the same protection for public health.

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- **Microbial Contaminants** such as viruses and bacteria that may come from sewage treatment plants, septic systems, agricultural livestock operations and wildlife.
- **Inorganic Contaminants** such as salts and metals, that can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.
- **Pesticides and Herbicides** that may come from a variety of sources such as agriculture, urban stormwater runoff and residential uses.
- **Organic Chemical Contaminants** including synthetic and volatile organic chemicals that are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, agricultural application and septic systems.
- **Radioactive Contaminants** that can be naturally-occurring or be the result of oil and gas production and mining activities.



Maintaining water quality

The City is dedicated to maintaining the water quality and protecting the water supply. The safeguards include a combination of preventative and monitoring practices described below.

Hydrant and Water Main Flushing. Flushing of fire hydrants and water mains is performed to remove sediment and keep the distribution system refreshed by circulating water in pipes. As a result, residents in the immediate vicinity may experience temporary discoloration in their water. This discoloration does not affect the safety of the water. If you experience discoloration in your water after crews have been flushing in your neighborhood, clear the water from your home pipes by running water faucets for a few minutes.

Backflow Testing. A backflow preventer is a plumbing device that keeps the water supply safe by preventing water on private property from flowing back into the City's distribution system. The City sends yearly testing notifications to backflow device owners requiring appropriate testing and maintenance to ensure all devices are operating correctly.

Water Sampling. Sampling of the water system is performed in accordance to State rules and regulations in order to verify the quality. This requires purging of the water line for a sample to be lab tested.

Littering is throwing it all away

Nearly 80 percent of the debris found in our watersheds, creeks, shorelines, and the South San Francisco Bay is washed, blown or dumped there from land. One piece of litter can end up miles from where it is improperly discarded, polluting our water systems and causing a threat to wildlife. The primary sources of litter are: pedestrians, motorists, trucks with uncovered loads, household trash handling and its placement at the curb, loading docks, and demolition sites.

Because we live in a watershed, our community's litter makes a very big impact. A watershed is a land area that drains water into a creek, river, lake, wetland, bay or groundwater aquifer. In the Santa Clara Valley, the water from rain and irrigation (called runoff) picks up litter and carries it directly into storm drains and creeks that flow to San Francisco Bay.

You Can Make a Difference

- Don't litter, ever. Something as small as a cigarette butt thrown on a city street as long term adverse effects on the environment.
- When you see litter, pick it up and dispose of it properly.
- Secure and cover all truckloads of loose debris.
- Make sure your trash can lid is closed securely.
- Always bring a bag for trash when picnicking, hiking or camping.
- If you own a business, check your dumpster on a regular basis, keep it locked and protect it from illegal dumping.
- Report illegal dumping to the Milpitas Police Dept. at (408) 586-2400. For solid waste and street sweeping services, call Milpitas Sanitation at (408) 330-7199.
- Call the Santa Clara Countywide Recycling Hotline at (800) 533-8414 or visit www.reducewaste.org to find out where to dispose of large commercial items such as furniture, appliances, etc.

2017

Water Quality Data

In 2017, The City of Milpitas collected over 2,000 drinking water samples to be analyzed by State-certified laboratories. The water supplied in Milpitas met all USEPA and State drinking water health standards in 2017, as shown in the adjacent table, which lists all drinking water constituents that were detected during the 2017 calendar year. A full list of tested constituents is available upon request. Unless otherwise noted, the data presented in this table reflects testing completed between January 1 and December 31, 2017.



Some data—although representative—were collected prior to 2017, as the State Board requires monitoring for some constituents less frequently. The concentrations of these constituents do not vary frequently or significantly.

What else should I know?

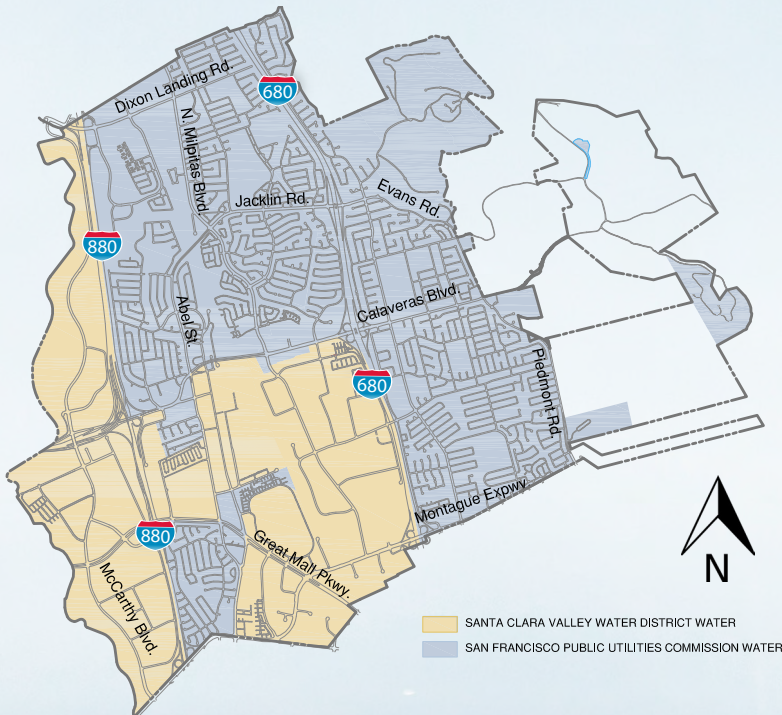
Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline. Call 1(800) 426-4791

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons, such as persons with cancer undergoing chemotherapy; persons who have undergone organ transplants; people with HIV/AIDS or other immune system disorders; some elderly; and infants can be particularly at risk from infections. These individuals should seek advice from their health care providers.

USEPA/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline. Call 1(800) 426-4791

Water Supply Map

The City serves SFPUC source water to the area south of Calaveras Blvd and east of I-680, as well as north of Calaveras Blvd and east of I-880. SCVWD service areas are west of I-880, as well as south of Calaveras Blvd and west of I-680. Refer to the Water Supply Map below to see where your water comes from.



PRIMARY DRINKING WATER STANDARDS (PUBLIC HEALTH RELATED STANDARDS)														
PARAMETER	Unit	MCL, (AL), or [MRDL]	PHG, (MCLG), or [MRDLG]	Distribution System		SCVWD _o		SFPUC		Typical Sources*				
				Average	Range	Average	Range	Average	Range					
SOURCE WATER SAMPLING														
INORGANIC CHEMICALS														
Aluminum	ppm	1	0.6			0.051	ND – 0.120	ND	ND – 0.01	3, 4				
Fluoride	ppm	2	1			0.7	0.7	0.2	ND – 0.6	3, 5, 6				
Nitrate (as Nitrogen)	ppm	10	10			0.2	ND – 0.7	ND	ND	3, 7, 8				
SYNTHETIC ORGANIC CONTAMINANTS														
1,2,3, - Trichloropropane	ppt	5	0.7			ND	ND	ND	ND					
DISINFECTION BYPRODUCT PRECURSOR														
TOC (precursor control)	ppm	TT	NA			2	1.7 – 2.2	2.4	1.0 – 3.7	10				
MICROBIOLOGICAL														
Giardia Lamblia	cysts/L	TT	(0)			ND	ND	0.05	0 – 0.22	1				
Turbidity	NTU	TT _a	NA			0.07	0.05 – 0.16	1 _c	99 – 100% _d	2				
DISTRIBUTION SYSTEM SAMPLING														
LEAD AND COPPER RULE STUDY (MILPITAS 2016 AT-THE-TAP SAMPLING)				90th Percentile			# of Samples Above AL							
Lead	ppb	(15)	0.2	1.6			2 out of 37			3, 17, 19				
Copper	ppm	(1.3)	0.3	0.049			0 out of 37			3, 17, 18				
A total of 14 schools in Milpitas have requested lead service line sampling. Results pending														
DISINFECTION RESIDUALS AND BYPRODUCTS				Highest Location RAA			Range							
Disinfectant Residual as Chlorine	ppm	[4]	[4]	2.37			0.2–4.0			20				
Total Trihalomethanes	ppb	80	NA	53.3			19–56			9				
Haloacetic Acids	ppb	60	NA	54			7.2–49			9				
MICROBIOLOGICAL				Average			Range							
Total Coliform Bacteria	% pos / month	5.0%	(0)	0.15%			0–0.97%			1				
SECONDARY DRINKING WATER STANDARDS (AESTHETIC STANDARDS)														
PARAMETER	Unit	MCL		Average	Range	Average	Range	Average	Range	Sources*				
Aluminum	ppb	200		NA	NA	51	ND – 120	ND	ND – 99	3, 4				
Chloride	ppm	500		NA	NA	44.5	24 – 76	9	<3 – 17	11, 12, 14				
Color	CU	15		ND	ND–15	<2.5	ND – <2.5	<5	<5 – 13	13				
Odor — Threshold	TON	3		ND	ND	1	1	ND	ND	13				
Specific Conductance	μS/cm	1600		NA	NA	374	211 – 525	168	29 – 256	14, 16				
Sulfate	ppm	500		NA	NA	36	17 – 51	17	0.9 – 34	11, 12, 15				
Total Dissolved Solids	ppm	1000		NA	NA	200	120 – 70	76	<20 – 122	11, 12				
UNREGULATED PARAMETERS FOR UCMR (2017)														
PARAMETER	Unit	NL		Average	Range	Average	Range	Average	Range					
Chlorate	ppb	800		120	68–190	123	72 – 290	52	51–180					
Boron	ppb	1000		NA	NA	ND	ND – 123	ND	ND–203					
Molybdenum	ppb	NS		1.9	1.8–2.0	<1	ND – <1	NA	NA					
Strontium	ppb	NS		151	14–290	ND	ND	111	12–234					
Vanadium	ppb	50		ND	ND–4.5	ND	ND – 4	NA	NA					
OTHER WATER QUALITY PARAMETERS														
PARAMETER	Unit	MCL		Average	Range	Average	Range	Average	Range					
Hardness (as Calcium Carbonate)	ppm	NS		NA	N/A	88	48 – 114	51	7 – 82					
pH	–	NS		9	7.2–10.0	7.85	7.7 – 8.0	9.2	7.4 – 9.8					
Sodium	ppm	NS		NA	NA	47.5	21 – 80	18	2.3 – 31					
Temperature	°C	NS		NA	NA	20	15–24	NA	NA					

Definitions of Key Terms

Maximum Contaminant Level (MCL). The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically feasible. Secondary MCLs are set to protect the odor, taste and appearance of drinking water. MCLs are established by USEPA and the State Board.

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Regulatory Action Level (AL). The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

Total Organic Carbon (TOC). TOC is precursor for disinfection byproduct formation.

Turbidity. Turbidity is a measure of the cloudiness of the water, and is also used to indicate the effectiveness of the filtration system. High turbidity can hinder the effectiveness of disinfectants.

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NOTES

- For unfiltered water, the MCL is 5.0 NTU. For filtered water, the MCL is ≤0.3 NTU 95% of the time.
- Water system was fed by Santa Teresa and Penitencia Water Treatment Plants.
- Maximum value measured.
- Percent of time turbidity was maintained at or below 0.3 NTU.

Abbreviations

°C	Degrees Celsius
CU	Color unit
cysts/L	Cysts per liter
DDW	Division of Drinking Water
NA	Not applicable
ND	Not detected
NS	No standard
NTU	Nephelometric turbidity unit
ppt	parts per trillion (
ppb	parts per billion (micrograms per liter)
ppm	parts per million (milligrams per liter)
μS/cm	microSiemens per centimeter
% pos	% positive
RAA	Running annual average
SCVWD	Santa Clara Valley Water District
SFPUC	San Francisco Public Utilities Commission
TOC	Total organic carbon
TON	Threshold odor number
USEPA	United States Environmental Protection Agency

Water Quality Information

Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Infants and young children are typically more vulnerable to lead in drinking water than the general population. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The City is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested by a laboratory and/or flush your tap. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you do so, you may wish to collect the flushed water and reuse it for another beneficial purpose, such as watering plants. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the USEPA Safe Drinking Water Hotline or at (800) 426-4791 or at epa.gov/lead.

The City of Milpitas, through a coordinated effort with the Milpitas Unified School District (MUSD) has completed lead service line sampling at fourteen (14) K-12 school sites, in compliance with Assembly Bill No. 746. Results pending at the time this CCR was prepared.

Fluoride and Dental Fluorosis

All water supplied by SFPUC is fluoridated. The fluoride levels in treated water are maintained within the range required by state regulations. In 2017, SFPUC water was fluoridated at an average level of 0.2 ppm. Water supplied by SCVWD's Santa Teresa treatment plant began fluoridation in December 2016. SCVWD's Penitencia Treatment Plant began fluoridation in 2017. Infants fed formula mixed with water containing fluoride may have an increased chance of developing tiny white lines or streaks in their teeth. These marks are referred to as mild fluorosis, and are often only visible under a microscope. Even in cases where the marks are visible, they do not pose any health risk. The Center for Disease Control (CDC) considers it safe to use optimally fluoridated water for preparing infant formula. To lessen this chance of dental fluorosis, you may choose to use low-fluoride bottled water to prepare infant formula. Nevertheless, children may still develop dental fluorosis due to fluoride intake from other sources such as food, toothpaste and dental products. Contact your health provider or SWRCB if you have concerns about dental fluorosis. For additional information visit the SWRCB website www.swrcb.ca.gov and search for fluoride, or the CDC website www.cdc.gov/fluoridation.

Disinfection with Chloramine

Both SFPUC and SCVWD waters are treated with chloramine to protect public health. Chloramine assists in destroying disease-causing organisms. Chloramine is considered safe for use as a water disinfectant. However, home dialysis patients and aquarium owners must take precautions before using the chloraminated water in kidney dialysis machines or aquariums. Dialysis patients should consult with their doctor or dialysis technician and aquarium owners should consult with their pet store.

Hardness

Water hardness is determined mainly by the presence of calcium and magnesium salts. Although hard water does not pose a health risk, it may be considered undesirable for other reasons. Some benefits of water softening are reductions in soap usage, longer life for water heaters and a decrease in encrustation of pipes; disadvantages are an increase in sodium intake, an increase in maintenance and servicing and potential adverse effects on salt-sensitive plants. To convert hardness from ppm to grains per gallon, divide by 17.1. A hardness scale is provided below for your reference.

Hardness Classification	Grains per Gallon	ppm
Soft	less than 1.0	less than 17.1
Slightly hard	1.0–3.5	17.1–60
Moderately hard	3.5–7.0	60–120
Hard	7.0–10.5	120–180
Very hard	over 10.5	over 180

* Typical Sources In Drinking Water

- Naturally present in the environment
- Soil runoff
- Erosion of natural deposits
- Residue from some surface water treatment processes
- Water additive that promotes strong teeth
- Discharge from fertilizer and aluminum factories
- Runoff and leaching from fertilizer use
- Leaching from septic tanks and sewage
- By-product of drinking water disinfection
- Various natural and man-made sources
- Runoff from natural deposits
- Leaching from natural deposits
- Naturally-occurring organic materials
- Seawater influence
- Industrial wastes
- Substances that form ions when in water
- Internal corrosion of household plumbing systems
- Leaching from wood preservatives
- Discharges from industrial manufacturers
- Drinking water disinfectant added for treatment

Important contact information

City contacts

City of Milpitas
455 E Calaveras Blvd.
Milpitas, CA 95035
(408) 586-3000; TDD (408) 586-2643
www.ci.milpitas.ca.gov

Hours of operation
8 a.m. to 5 p.m., M–F

Water Emergencies
(408) 586-2600, Business Hours
(408) 586-2400, After Hours

Billing Questions
(408) 586-3100

Water Conservation Hotline
(408) 586-2666

SCVWD Pollution Hotline
(888) 510-5151 (24 Hours)

More information

For more information about this report or the City’s water quality monitoring program, please contact:
City of Milpitas Public Works Department at
(408) 586-2600; MilpitasCCR@ci.milpitas.ca.gov

Resources

Division of Drinking Water
waterboards.ca.gov/drinking_water/
(510) 620-3474

US EPA
water.epa.gov
(800) 426-4791

Department of Water Resources
www.water.ca.gov

Bay Area Water Supply and Conservation Agency
bawsca.org

American Water Works Association
awwa.org or DrinkTap.org

SCVWD **SFPUC**
valleywater.org sfwater.org

How to get involved

City Council meetings are typically held on the first and third Tuesday of every month at 7:00 pm in the City Hall Council Chambers located at 455 E. Calaveras Blvd. Prior to each meeting, Council meeting agendas can be found posted at City Hall and can also be downloaded from the City website: www.ci.milpitas.ca.gov.



National Public Works Day 2019

CITY OF MILPITAS 2018
Water Quality Report

This report contains important information about your drinking water. Translate it, or speak with someone who understands it.

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Ito ay isang mahalagang impormasyon tungkol sa inyong iniinom na tubig. Isaling-wika ito, o makipag-usap sa isang tao na naiintindihan ito.

Chi tiết này thật quan trọng. Xin nhờ người dịch cho quý vị.

此份有關你的食水報告 內有重要資料和訊息 請找他人為你翻譯及解釋清楚。

यह महत्वपूर्ण जानकारी आपके पीने के पानी के बारे में है। इसका अनुवाद करें, या किसी ऐसे व्यक्ति से बात करें जो इसे समझता हो।

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
www.ci.milpitas.ca.gov



Frequently asked questions

Why is my water brown or not clear? Stagnant water sitting in aging plumbing may become brown. This should clear up once sitting water is flushed out from the pipes and replaced with fresh water. Brown water could also be from blocked or clogged sink fixture aerators. Aerators are located at the end of a fixture and can be removed and flushed to clear any debris. Once flushed, hand-tighten to reassemble.

Is there fluoride in the water? The City receives fluoridated water from SFPUC and SCVWD. SFPUC has been fluoridating water since 1995 while SCVWD began fluoridation in December of 2016.

Why has my water pressure dropped suddenly? Depending on your location, you could receive water pressure between 40 to 140 psi. Water pressure could have dropped for a variety of reasons. If your water pressure drops unexpectedly please call Milpitas Public Works Dept at (408) 586-2600. You can also check for clogged strainers and proper operation of any pressure regulators (setting).

How can I treat my drinking water after a disaster? If you run out of stored drinking water, strain and treat water from your water heater or toilet reservoir tank (except if you use toilet tank cleaners.) You cannot drink swimming pool or spa water, but it can be used for flushing toilets or washing.

- Strain large particles by pouring water through a couple of layers of paper towels or clean cloth. Purify the water by:
- Boiling. Bring to a rolling boil and maintain for 3-5 minutes. To improve the taste, pour it back and forth between two clean containers to add oxygen back into the water.
- Disinfecting. If the water is clear, add 8 drops of bleach per gallon of water. If it is cloudy, add 16 drops. Shake or stir, then let stand for 30 minutes. A slight chlorine taste and smell is to be expected.

What is the state of the drought and what is "Making Water Conservation A California Way of Life"?

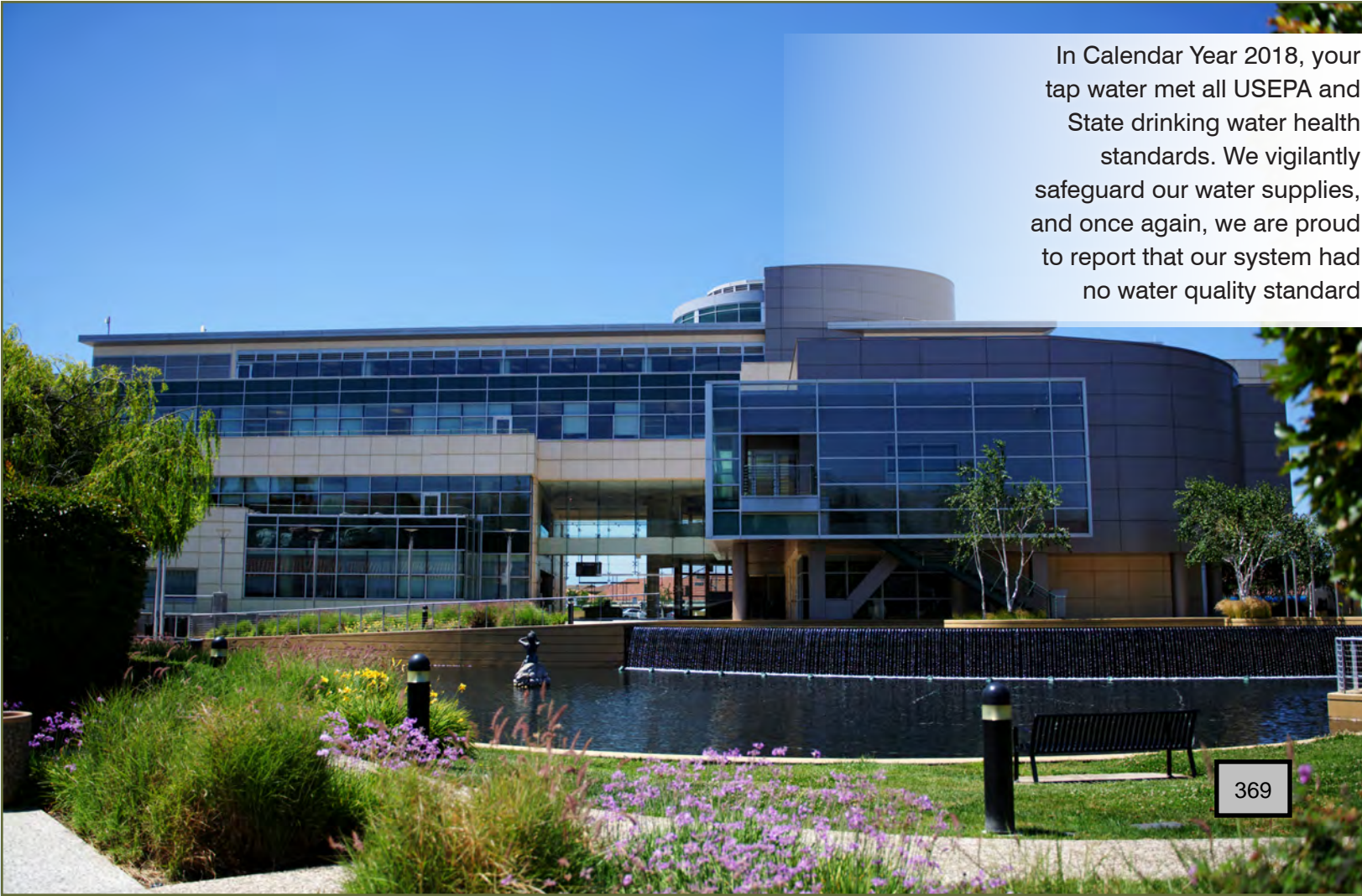
On April 7, 2017 Governor Brown issued Executive Order B-40-17, terminating the January 17, 2014 drought State of Emergency for most counties in California. The Order does however direct the Water Board to continue "Making Water Conversation a California Way of Life" and keep certain restrictions to prohibit wasteful practices. These restrictions along with additional water conservation measures set by the City include:

- Apply only as much water as your landscape needs to prevent water runoff onto streets and sidewalks
- Wash vehicles with a hose that has a shut-off nozzle
- Use a broom to clean driveways and sidewalks
- Recirculate potable water in fountains or decorative water features
- Do not water landscapes during or within 48 hours of measureable rainfall
- Restaurants to only serve drinking water upon request
- Guests of hotels and motels can choose not to have towels and linens laundered daily
- Pools and spas must be covered when not in use to prevent evaporation

Visit www2.ci.milpitas.ca.gov/savewatermilpitas for water conservation tips and water use schedules.

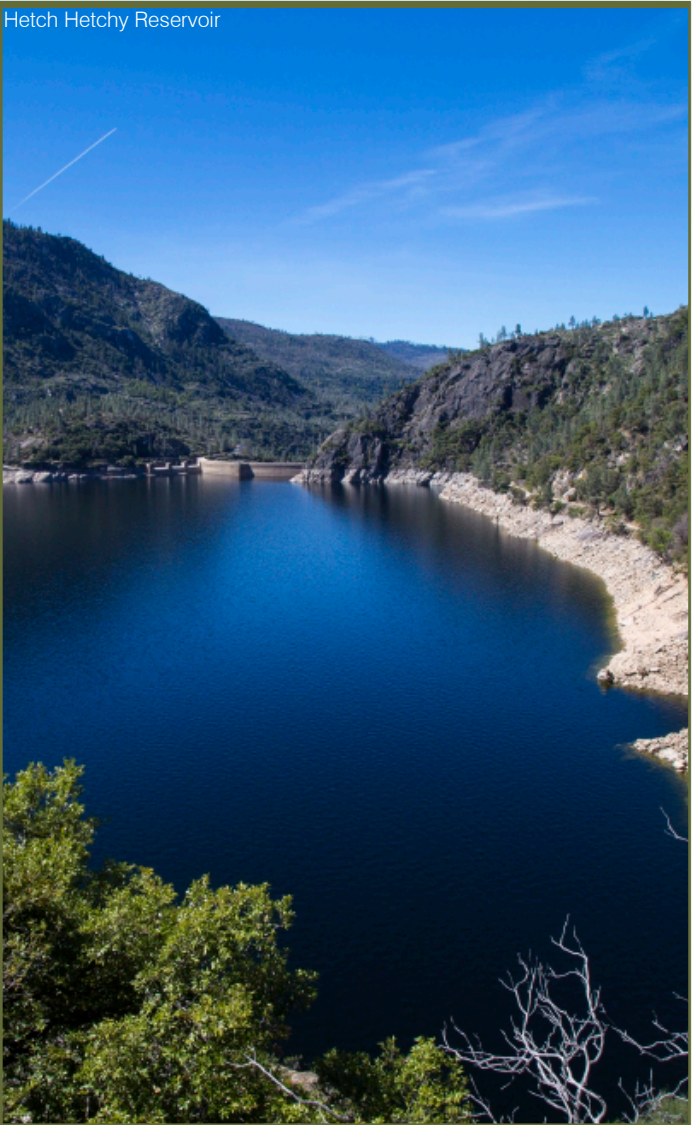
How can I prepare for an emergency? In a disaster or emergency situation, water supplies may be cut off or contaminated. Store enough water to supply everyone in your family for at least 3-5 days. For general drinking purposes, store one gallon of water, per person, per day, and three gallons of water, per person, per day for limited cooking and personal hygiene use. If you store tap water, use food grade plastic containers. Replace water at least once every six months. If you buy bottled "spring" or "drinking" water, keep it in its original container. Label bottles with their replacement date and store in a cool, dark place.

In Calendar Year 2018, your tap water met all USEPA and State drinking water health standards. We vigilantly safeguard our water supplies, and once again, we are proud to report that our system had no water quality standard



Our drinking water and how we protect it

The City of Milpitas draws water from two sources that provide clean water to residents and businesses. The water is purchased from two separate wholesalers: treated surface water from the San Francisco Public Utilities Commission (SFPUC) and treated surface water from the Santa Clara Valley Water District (SCVWD). In the event that water supply is interrupted from either SCVWD or SFPUC, the City has the option of utilizing its emergency supply to meet basic water needs for a short duration of time. In 2018, the City supplied an average of 7.1 million gallons of water per day to approximately 16,000 homes and businesses for indoor and outdoor use.



SFPUC Supply

SFPUC water is a combination of Hetch Hetchy water and treated local water. Most of SFPUC's water is sourced from the Hetch Hetchy watershed located in the Sierra Nevada Mountains. This water is exempt from filtration requirements by the United States Environmental Protection Agency (USEPA) and State Water Resources Control Boards' Division of Drinking Water (DDW), due to the protected Sierra spring snow melt water source. Local water is collected within the Alameda watershed at Calaveras Reservoir and San Antonio Reservoir. Local water is treated through filtration and disinfection at the Sunol Valley Water Treatment Plant.

SCVWD Supply

SCVWD water is sourced primarily from the Sacramento-San Joaquin Delta watershed via the South Bay Aqueduct, Dyer Reservoir, Lake Del Valle, and San Luis Reservoir. The water supply is supplemented by local water sources at Anderson and Calero Reservoirs. SCVWD water is treated through filtration and disinfection at Penitencia and Santa Teresa Water Treatment Plants.

Emergency Supplies

The City does not blend or combine SFPUC and SCVWD waters under normal operating conditions. However, the service areas can be interconnected to provide emergency water supply if needed. The City's water system is also interconnected with the Alameda County Water District to the north and San Jose Water Company to the south. In the event that there is an emergency, either or both agencies can provide water to the City. SFPUC and SCVWD share an intertie that can supply water from one wholesaler to the other. The City can also provide temporary emergency water supply using Pinewood Well, located in the southwestern portion of the City.

Drinking Water Source Assessment Program

Drinking Water Source Assessment Programs evaluate the vulnerability of water sources to potential contamination. Both SFPUC and SCVWD have conducted drinking water source assessments for the City's potable water supplies. The assessments are available for review at the State Water Resources Control Board (SWRCB) – Division of Drinking Water District Office. You may request that a summary of the assessments be sent to you by calling (510) 620-3474.

SFPUC conducts an annual watershed sanitary survey for the Hetch Hetchy source as well as five year sanitary surveys for local water sources. These surveys evaluate the sanitary condition, water quality, potential contamination sources, and the results of watershed management activities. The surveys were completed with support from partner agencies including the National Park Service and US Forest Service. These surveys have identified wildlife, stock, and human activities as potential contamination sources.

SCVWD's water sources are vulnerable to potential contamination from a variety of land use practices, such as agricultural and urban runoff, recreational activities, livestock grazing, and residential and industrial development. The imported sources are also vulnerable to wastewater treatment plant discharges, seawater intrusion, and wild fires in open space areas. In addition, local sources are also vulnerable to potential contamination from commercial stables and historic mining practices. No contaminants associated with any of these activities have been detected in SCVWD's treated water. The water treatment plants provide multiple barriers for physical removal and disinfection of contaminants.

Recycled Water – providing drought-proof, high quality water for our community

In 2018, irrigation, commercial, and industrial customers in Milpitas used 410 million gallons of recycled water, thereby conserving an equal amount of potable drinking water. Recycled water from the San Jose/Santa Clara Water Pollution Control Plant undergoes an extensive treatment process (including filtration and disinfection) and is delivered to landscape irrigation and industrial customers in Milpitas, San Jose, and Santa Clara. For more information pertaining to recycled water, visit www.sanjoseca.gov/sbwr.

Contaminants and Regulations

To ensure that tap water is safe to drink, the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board (State Board) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. The State Board regulations also establish limits for contaminants in bottled water that provide the same protection for public health.

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- **Microbial Contaminants** such as viruses and bacteria that may come from sewage treatment plants, septic systems, agricultural livestock operations and wildlife.
- **Inorganic Contaminants** such as salts and metals, that can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.
- **Pesticides and Herbicides** that may come from a variety of sources such as agriculture, urban stormwater runoff and residential uses.
- **Organic Chemical Contaminants** including synthetic and volatile organic chemicals that are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, agricultural application and septic systems.
- **Radioactive Contaminants** that can be naturally-occurring or be the result of oil and gas production and mining activities.



Maintaining water quality

The City is dedicated to maintaining the water quality and protecting the water supply. The safeguards include a combination of preventative and monitoring practices described below.

Hydrant and Water Main Flushing. Flushing of fire hydrants and water mains is performed to remove sediment and keep the distribution system refreshed by circulating water in pipes that would otherwise remain stagnant. As a result, residents in the immediate vicinity may experience temporary discoloration in their water. This discoloration does not affect the safety of the water. If you experience discoloration in your water after City crews have been flushing in your neighborhood, clear the water from your house plumbing by running water faucets for a few minutes prior to use.

Backflow Testing. A backflow preventer is a plumbing device that keeps the water supply safe by preventing water on private property from flowing back into the City's distribution system. Backflow devices are required to be tested annually to ensure they are working properly.

Water Sampling. Sampling of the water system is performed in accordance to State and Federal rules and regulations. This requires purging of the water line for a sample to be lab tested. See the third page of this CCR for water quality sampling results.

Littering is throwing it all away

Nearly 80 percent of the debris found in our watersheds, creeks, shorelines, and the South San Francisco Bay is washed, blown or dumped by humans residing in the vicinity of the water shed. One piece of litter can end up miles from where it was improperly discarded, polluting our water systems and causing a threat to wildlife. The primary sources of litter are: pedestrians, motorists, trucks with uncovered loads, household trash handling and its placement at the curb, loading docks, and demolition sites.

Because we live in a watershed, our community's litter makes a very big impact. A watershed is a land area that drains water into a creek, river, lake, wetland, bay or groundwater aquifer. In the Santa Clara Valley, the water from rain and irrigation (called runoff) picks up litter and carries it directly into storm drains and creeks that flow to San Francisco Bay.

You Can Make a Difference

- Don't litter, ever. Something as small as a cigarette butt thrown on a city street has long term adverse effects on the environment.
- When you see litter, pick it up and dispose of it properly.
- Secure and cover all truckloads of loose debris.
- Make sure your trash can lid is closed securely.
- Always bring a bag for trash when picnicking, hiking or camping.
- If you own a business, check your dumpster on a regular basis, keep it locked and protect it from illegal dumping.
- Report illegal dumping to the Milpitas Police Dept. at (408) 586-2400. For solid waste and street sweeping services, call Milpitas Sanitation at (408) 988-4500.

- Call the Santa Clara Countywide Recycling Hotline at (800) 555-5555 or visit www.reducewaste.org to find out where to dispose of

2018

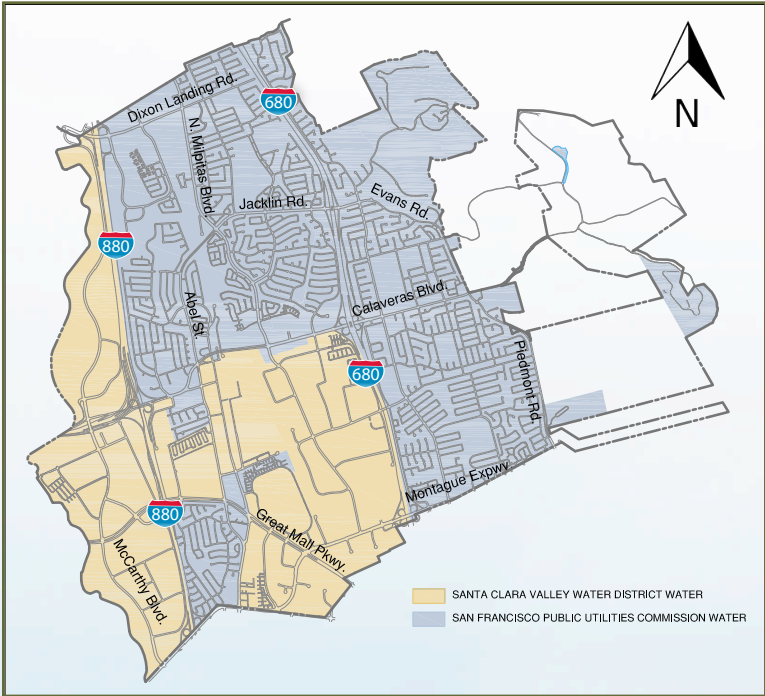
Water Quality Data

In 2018, The City of Milpitas collected over 2,000 drinking water samples to be analyzed by State-certified laboratories. The water supplied in Milpitas met all USEPA and State drinking water health standards in 2018, as shown in the adjacent table, which lists all drinking water constituents that were detected during the 2018 calendar year. A full list of tested constituents is available upon request. Unless otherwise noted, the data presented in this table reflects testing completed between January 1 and December 31, 2018.

Some data—although representative—were collected prior to 2018, as the State Board requires monitoring for some constituents less frequently. The concentrations of these constituents do not vary frequently or significantly.

Water Supply Map

The City serves SFPUC source water to the area south of Calaveras Blvd and east of I-680, as well as north of Calaveras Blvd and east of I-880. SCVWD service areas are west of I-880, as well as south of Calaveras Blvd and west of I-680. Refer to the Water Supply Map below to see where your water comes from.



What else should I know?

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline. Call 1(800) 426-4791

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons, such as persons with cancer undergoing chemotherapy; persons who have undergone organ transplants; people with HIV/AIDS or other immune system disorders; some elderly; and infants can be particularly at risk from infections. These individuals should seek advice from their health care providers.

USEPA/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline. Call 1(800) 426-4791

Definitions of Key Terms

Maximum Contaminant Level (MCL). The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically feasible. Secondary MCLs are set to protect the odor, taste and appearance of drinking water. MCLs are established by USEPA and the State Board.

Maximum Contaminant Level Goal (MCLG). The highest level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs are set by the USEPA.

Maximum Residual Disinfectant Level (MRDL). The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG). The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

Notification Level (NL). Health based advisory levels established by SWRCB for chemicals in drinking water that lack MCLs.

Primary Drinking Water Standard (PDWS). MCLs and MRDLs for contaminants that affect health along

with their monitoring and reporting requirements and water treatment requirements.

Treatment Technique (TT). A required process intended to reduce the level of a contaminant in drinking water.

Public Health Goal (PHG). The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California Office of Environmental Health Hazard Assessment.

Regulatory Action Level (AL). The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

Total Organic Carbon (TOC). TOC is precursor for disinfection byproduct formation.

Turbidity. Turbidity is a measure of the cloudiness of the water, and is also used to indicate the effectiveness of the filtration system. High turbidity can hinder the effectiveness of disinfectants.

UCMR. Unregulated Contaminant Monitoring Rule requires monitoring for contaminants not currently regulated. This monitoring provides a basis for future regulatory actions to protect public health.

PRIMARY DRINKING WATER STANDARDS (PUBLIC HEALTH RELATED STANDARDS)										
PARAMETER	Unit	MCL, (AL), or [MRDL]	PHG, (MCLG), or [MRDLG]	Distribution System		SCVWD _o		SFPUC		Typical
				Average	Range	Average	Range	Average	Range	Sources*
SOURCE WATER SAMPLING										
INORGANIC CHEMICALS										
Aluminum	ppm	1	0.6			ND	ND – 0.08	ND	ND	3, 4
Bromate	ppb	10	0.1			2	1 - 4	ND	ND	9
Fluoride	ppm	2	1			0.8	0.6 - 0.9	0.7	0.6 - 1.0	3, 5, 6
Nitrate (as Nitrogen)	ppm	10	10			0.2	ND – 0.7	ND	ND	3, 7, 8
Nitrate + Nitrite (as N)	ppm	10	10			ND	ND - 0.7	ND	ND	3, 7, 8
DISINFECTION BYPRODUCT PRECURSOR										
TOC (precursor control)	ppm	TT	NA			2.3	1.6 - 3.2	2.2	1.2 - 2.9	10
MICROBIOLOGICAL										
Giardia Lamblia	cysts/L	TT	(0)			ND	ND - 0.1	0.03	0 – 0.24	1
Turbidity	NTU	TT _a	NA			1	100%	1 _c	99 – 100% _d	2
DISTRIBUTION SYSTEM SAMPLING										
LEAD AND COPPER RULE STUDY (MILPITAS 2016 AT-THE-TAP SAMPLING)				90th Percentile		# of Samples Above AL				
Lead	ppb	(15)	0.2	1.6		2 out of 37		3, 17, 19		
Copper	ppm	(1.3)	0.3	0.049		0 out of 37		3, 17, 18		
DISINFECTION RESIDUALS AND BYPRODUCTS				Highest Location RAA		Range				
Disinfectant Residual as Chlorine	ppm	[4]	[4]	2.5		0.2–4.0		20		
Total Trihalomethanes	ppb	80	NA	41.3		21–51		9		
Haloacetic Acids	ppb	60	NA	40		7.2–49		9		
MICROBIOLOGICAL				Average		Range				
Total Coliform Bacteria	% pos / month	5.0%	(0)	0.07%		0–0.78%		1		
SECONDARY DRINKING WATER STANDARDS (AESTHETIC STANDARDS)										
PARAMETER	Unit	MCL	Average	Range	Average	Range	Average	Range	Sources*	
Aluminum	ppb	200	NA	NA	ND	ND – 80	ND	ND	3, 4	
Chloride	ppm	500	NA	NA	75	36 - 80	8.9	<3 – 17	11, 12, 14	
Color	CU	15	ND	ND–15	ND	ND	<5	<5 – 7	13	
Odor — Threshold	TON	3	ND	ND	1	1	ND	ND	13	
Specific Conductance	µS/cm	1600	NA	NA	483	280 - 533	154	29 - 221	14, 16	
Sulfate	ppm	500	NA	NA	50	26 - 80	16	0.9 - 29	11, 12, 15	
Total Dissolved Solids	ppm	1000	NA	NA	200	120 – 70	82	<20 – 144	11, 12	
UNREGULATED PARAMETERS FOR UCMR 3 (2014-2015)										
PARAMETER	Unit	NL	Average	Range	Average	Range	Average	Range		
Chlorate	ppb	800	120	68–190	123	72 – 290	52	51–180		
Boron	ppb	1000	NA	NA	ND	ND – 123	ND	ND–203		
Molybdenum	ppb	NS	1.9	1.8–2.0	<1	ND – <1	NA	NA		
Strontium	ppb	NS	151	14–290	ND	ND	111	12–234		
Vanadium	ppb	50	ND	ND–4.5	ND	ND – 4	NA	NA		
OTHER WATER QUALITY PARAMETERS										
PARAMETER	Unit	ORL	Average	Range	Average	Range	Average	Range		
Boron	ppb	1000 (NL)			139	ND - 197	ND	ND - 104		
Bromide	ppb	NA			100	ND - 130	7	<5 - 27		
Calcium (as Ca)	ppm	NA			18	11 - 25	11	2.9 - 18		
Chlorate	ppb	800 (NL)			169	43 - 280	124	42 - 230		
Chromium (VI)	ppb	NA			ND	ND	0.068	0.031 - 0.1		
Hardness (as Calcium Carbonate)	ppm	NA			91	51 - 126	47	15 - 68		
Magnesium	ppm	NA			11	6 - 16	4	<0.2 - 6.2		
pH	–	NA			7.8	7.5 – 8.0	9.4	8.6 - 9.8		
Potassium	ppm	NA			3.1	1.5 - 3.7	0.6	0.2 - 1.0		
Silica	ppm	NA			13	10 - 14	5.0	2.8 - 7.1		
Sodium	ppm	NA			53	31 - 64	18	2.3 – 2.0		
Strontium	ppb	NA			ND	ND	99	12 - 199		
Temperature	°C	NA			9	14 - 24	ND	ND		
Total Alkalinity (as Calcium Carbonate)	ppm	NA			69	41 - 101	51	<3 - 132		



Water Quality Information

Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Infants and young children are typically more vulnerable to lead in drinking water than the general population. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The City is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested by a laboratory and/or flush your tap. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you do so, you may wish to collect the flushed water and reuse it for another beneficial purpose, such as watering plants. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the USEPA Safe Drinking Water Hotline or at (800) 426-4791 or at epa.gov/lead.

The City of Milpitas, through a coordinated effort with the Milpitas Unified School District (MUSD) has completed lead sampling at fourteen (14) K-12 school sites, in compliance with Assembly Bill No. 746.

Fluoride and Dental Fluorosis

All water supplied by SFPUC is fluoridated. The fluoride levels in treated water are maintained within the range required by state regulations. In 2018, SFPUC water was fluoridated at an average level of 0.7 ppm. Water supplied by SCVWD's Santa Teresa treatment plant began fluoridation in December 2016. SCVWD's Penitencia Treatment Plant began fluoridation in 2017. Infants fed formula mixed with water containing fluoride may have an increased chance of developing tiny white lines or streaks in their teeth. These marks are referred to as mild fluorosis, and are often only visible under a microscope. Even in cases where the marks are visible, they do not pose any health risk. The Center for Disease Control (CDC) considers it safe to use optimally fluoridated water for preparing infant formula. To lessen this chance of dental fluorosis, you may choose to use low-fluoride bottled water to prepare infant formula. Nevertheless, children may still develop dental fluorosis due to fluoride intake from other sources such as food, toothpaste and dental products. Contact your health provider or SWRCB if you have concerns about dental fluorosis. For additional information visit the SWRCB website www.swrcb.ca.gov and search for fluoride, or the CDC website www.cdc.gov/fluoridation.

Disinfection with Chloramine

Both SFPUC and SCVWD waters are treated with chloramine to protect public health. Chloramine assists in destroying disease-causing organisms. Chloramine is considered safe for use as a water disinfectant. However, home dialysis patients and aquarium owners must take precautions before using the chloraminated water in kidney dialysis machines or aquariums. Dialysis patients should consult with their doctor or dialysis technician and aquarium owners should consult with their pet store.

Hardness

Water hardness is determined mainly by the presence of calcium and magnesium salts. Although hard water does not pose a health risk, it may be considered undesirable for other reasons. Some benefits of water softening are reductions in soap usage, longer life for water heaters and a decrease in encrustation of pipes; disadvantages are an increase in sodium intake, an increase in maintenance and servicing and potential adverse effects on salt-sensitive plants. To convert hardness from ppm to grains per gallon, divide by 17.1. A hardness scale is provided below for your reference.

Hardness Classification	Grains per Gallon	ppm
Soft	less than 1.0	less than 17.1
Slightly hard	1.0-3.5	17.1–60
Moderately hard	3.5–7.0	60–120
Hard	7.0–10.5	120–180
Very hard	over 10.5	over 180

NOTES

- For unfiltered water, the MCL is 5.0 NTU. For filtered water, the MCL is ≤0.3 NTU 95% of the time.
- Water system was fed by Santa Teresa and Penitencia Water Treatment Plants.
- Maximum value measured.
- Percent of time turbidity was maintained at or below 0.3 NTU.

* Typical Sources In Drinking Water

1	Naturally present in the environment	12	Leaching from natural deposits
2	Soil runoff	13	Naturally-occurring organic materials
3	Erosion of natural deposits	14	Seawater influence
4	Residue from some surface water treatment processes	15	Industrial wastes
5	Residue additive that promotes strong teeth	16	Substances that form ions when in water
6	Discharge from fertilizer and aluminum factories	17	Internal corrosion of household plumbing systems
7	Runoff and leaching from fertilizer use	18	Leaching from wood preservatives
8	Leaching from septic tanks and sewage	19	Discharges from industrial manufacturers
9	By-product of drinking water disinfection	20	Drinking water disinfectant added for treatment
10	Various natural and man-made sources		
11	Runoff from natural deposits		

Abbreviations

°C	Degrees Celsius	% pos	% positive
CU	Color unit	RAA	Running annual average
cysts/L	Cysts per liter	SCVWD	Santa Clara Valley Water District
DDW	Division of Drinking Water	SFPUC	San Francisco Public Utilities Commission
NA	Not applicable	TOC	Total organic carbon
ND	Not detected	TON	Threshold odor number
NS	No standard	USEPA	United States Environmental Protection Agency
NTU	Nephelometric turbidity unit		
NL	Notification Level		
ppt	parts per trillion (
ppb	parts per billion (micrograms per liter)		
ppm	parts per million (milligrams per liter)		
µS/cm	microSiemens per centimeter		



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Hold a Public Hearing and Consider the Approval of the Draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER)
Category:	Public Hearings-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Sharon Goei, 408-586-3260; Robert Musallam, 408-586-3275
Recommendation:	<ol style="list-style-type: none"> 1. Open the public hearing, hear testimony, then move to close the public hearing. 2. Approve the draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER). 3. Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2018-2019 CAPER to the Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

Background:

At the end of the CDBG program year, the Consolidated Annual Performance Evaluation Report (CAPER) is required to be submitted to the federal Department of Housing and Urban Development (HUD). The CAPER summarizes the accomplishments of the past funding cycle and the progress towards the priority needs and goals identified in the Consolidated Plan.

The 2018-2019 CAPER describes the City's activities for FY 2018-2019 and the accomplishments toward meeting the priority needs and goals from the 2017-2022 Consolidated Plan. The CAPER further describes actual expenditures and outcomes relative to the targets in the FY 2018-2019 Annual Action Plan. This CAPER is the second progress report for the 2017-2022 Consolidated Plan that was approved by the City Council in 2017.

Analysis:

The CAPER identifies some of the major accomplishments in 2018-2019 with expenditures totaling \$673,711.27:

- Catholic Charities provided long term ombudsman care visits to 89 Milpitas residents.
- Child Advocates provided 4 children in the court-appointed, foster care system with long-term, steady, supportive volunteers throughout until adulthood. A total of 18 new volunteers were recruited by Child Advocates. These volunteers went on to provide additional support to existing long-term volunteers.
- The Health Trust provided 2,001 hot meals to low and moderate income seniors through their Meals on Wheels program. Additionally, they provided 1,348 residents with a wellness check and 48 residents with additional resources, such as pet food and healthy lifestyle education.
- India Community Center assisted 156 low and moderate income seniors in obtaining access to yoga, meditation, and strength training classes.
- The Milpitas Food Pantry was able to assist 1,526 residents obtain emergency food assistance and basic household necessities.

- Next Door Solutions to Domestic Violence provided crisis counseling, risk assessment, safety planning and supportive services to 49 Milpitas residents. Additionally, they provided 129 Milpitas residents with live voice response crisis counseling. One resident received shelter service support.
- Senior Adults Legal Assistance provided legal services to 45 Milpitas clients age 62 or older. They also conducted one outreach event in Milpitas.
- Silicon Valley Independent Living Center conducted workshops, counseling, advocacy, assessments and provided referrals to a total of 41 Milpitas residents.
- YWCA Silicon Valley provided supportive services and emergency shelter to victims of domestic violence. They responded to 11 crisis calls, sheltered 18, and served 40 individuals with crisis counseling.
- Project Sentinel handled 26 fair housing and tenant-landlord cases on behalf of the City of Milpitas. Additionally, Project Sentinel conducted 9 outreach events to increase awareness throughout the year.
- LifeMoves made critical repairs and substantial capital improvements to the Montgomery Street Inn which allowed for 52 additional Milpitas clients to be served.
- Rebuilding Together Silicon Valley assisted 29 low and moderate income homeowners with critical repairs to their homes. An additional 48 residents benefited by accessing the housing repair program.
- Terrace Gardens, an extremely low and low-income senior housing community, replaced 10 refrigerators, the onsite bollards, and the main boiler for the complex.
- The City provided a CDBG loan to Resources for Community Development to aid in the acquisition of 355 Sango Court, a 100% affordable housing project.

One of the goals of the Consolidated Plan is to provide affordable housing units. High land and construction costs and limited funds are major obstacles that restrict the ability to construct affordable housing. The CAPER acknowledges, however, that the City adopted an Affordable Housing Ordinance in 2018 which will assist in providing new housing units for lower income households in future years.

Fiscal Impact:

There is no fiscal impact to the City budget other than staff time related to this action.

California Environmental Quality Act:

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Recommendation:

1. Open the public hearing, hear testimony, then move to close the public hearing.
2. Approve the draft FY 2018-2019 Community Development Block Grant (CDBG)'s Consolidated Annual Performance Evaluation Report (CAPER).
3. Authorize the City Manager, or designee, to make any necessary changes and to submit the approved draft FY 2018-2019 CAPER to the Department of Housing and Urban Development (HUD) to comply with CDBG requirements.

Attachment:

1. Draft FY 2018-2019 CAPER



CITY OF MILPITAS

**DRAFT CONSOLIDATED ANNUAL
PERFORMANCE EVALUATION
REPORT (CAPER)**

2018-2019

DRAFT

City of Milpitas
Consolidated Annual Performance Evaluation Report (CAPER) FY 2018-2019
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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan.

91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Milpitas receives CDBG funds to carry out its activities and programs as described in the Consolidated Plan (2017-2022). The following priority goals serve as the basis for the activities approved and funded in the Fiscal Year 2018-2019 Annual Action Plan:

- 1) Affordable Housing
- 2) Community Funding/Public Services
- 3) Fair Housing
- 4) Affordable Housing Rental Rehabilitation
- 5) Public Services for Seniors
- 6) Public services for Children and Youth

Below highlights the funded organizations' accomplishments:

- **Catholic Charities' Long Term Care Ombudsman Program** advocates for the rights of seniors and disabled residents in long term care facilities, made 89 unduplicated visits to Milpitas residents in long-term care.
- **Child Advocates of Silicon Valley** is the only agency in the County that provides court-appointed volunteers (CASA) to each foster child. Child Advocates provided 4 children in the court-appointed, foster care system with long-term, steady, supportive volunteers throughout until adulthood. A total of 18 new volunteers were recruited by Child Advocates. These volunteers went on to provide additional support to existing long-term volunteers.
- **The Health Trust' Meals on Wheels Program** provided 2,001 hot meals to 7 homebound, low income seniors.
- **India Community Center** provided 156 low to moderate income seniors with access to yoga, meditation, and strength training classes.
- **LifeMoves** made substantial capital improvements to the Montgomery Street Inn which allowed for 52 additional Milpitas clients to be served.
- **Milpitas Food Pantry** provided emergency food to 1,526 low income residents.
- **Next Door Solutions to Domestic Violence** provided 129 residents supportive services and emergency shelter to victims of domestic violence. Additionally, 49 residents were provided crisis counseling, risk assessment and legal assistance.
- **Project Sentinel** is contracted to handle fair housing and tenant-landlord cases. For the year, Project Sentinel handled 26 tenant-landlord cases held 9 outreach events.
- **Rebuilding Together Silicon Valley** preserves affordable housing by providing safety,

energy efficiency, accessibility repairs and improvements to qualified low income homeowners. Rebuilding Together made repairs for 29 Milpitas residents with an additional 48 residents benefitting from their Housing Repair Program.

- **Senior Adults Legal Assistance** provided free legal services to qualified seniors and provided services to 45 Milpitas clients age 62 years or older. They also held 1 outreach event in Milpitas.
- **Silicon Valley Independent Living Center** provided housing services for persons with disabilities to 41 individuals.
- **Terrace Gardens Senior Housing** is an affordable housing rental apartment for seniors. Terrace Gardens met their goal of replacing 10 refrigerators, installing bollards and installing a new boiler.
- **YWCA Silicon Valley** provided supportive services and emergency shelter to victims of domestic violence by responding to 11 crisis calls via the 24-hour crisis line, sheltered 18, and served 40 persons with crisis counseling identified by the Milpitas Police Department.
- **Resources for Community Development** was authorized a CDBG loan to aid in the acquisition of 355 Sango Court, a 100% affordable housing project.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected Strategic Plan	Actual Strategic Plan	Percent	Expected FY18-19	Actual – FY18-19	Percent
Affordable Housing Rental Rehabilitation	Affordable Housing	CDBG: \$25,284	Rental units rehabilitated	Household housing unit	296	296	100%	148	148	100%
Community Funding/Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$46,323	Public service activities other than Low/Moderate Income Housing Benefit	Persons assisted	2290	3523	154%	1677	1723	103%
Fair Housing	Affordable Housing Non-Housing Community Development	CDBG: \$10,000 Housing Authority: \$25,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons assisted	32	61	191%	31	35	113%
Maintain and Preserve Existing Housing	Affordable Housing Non-Homeless Special Needs	CDBG: \$120,000	Rental units rehabilitated	Household housing unit	76	155	204%	148	77	52%

Public Services for Children and Youth	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$9,629	Public service activities other than Low/Moderate Income Housing Benefit	Persons assisted	350	34	10%	25	18	72%
Public Services for Seniors	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$22,225	Public service activities other than Low/Moderate Income Housing Benefit	Persons assisted	240	266	111%	187	208	111%
Community Funding/Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$48,723	Homeless Person Overnight Shelter	Persons assisted	n/a	n/a	n/a	120	52	43%
New Affordable Housing	Affordable Housing	CDBG: \$299,097	Rental units constructed	Household housing unit	200	0	0%	102	0	0%

Public Improvements	Non-Housing Community Development Neighborhood Preservation	CDBG: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons assisted	5000	0	0%	0	0	0%
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Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Public Service Priorities:

- Senior Services
- Youth and Teen Services
- Homeless services/shelters
- Child care
- Domestic violence prevention and supportive services/shelters
- Code enforcement

Capital Project Priorities

- Home repair/rehabilitation
- Affordable housing
- Rental apartment rehabilitation
- Historic preservation

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	414
Black or African American	125
Asian	744
American Indian or American Native	22
Native Hawaiian or Other Pacific Islander	35
Total	1,340
Hispanic	858
Not Hispanic	579

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The City of Milpitas does not fund any organization based on race. All funding is not allocated to one demographic, the funding, however must be used for persons with low-to-moderate income. Funded organizations were asked to report to staff every quarter of the clients served based on HUD's definition of clients race and ethnicity. The table provided by the CAPER is not a comprehensive list of the data gathered. Staff has included a table that represents the reporting from the organizations and the Milpitas residents served during the program year of 2018-2019.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	1,025,501.60	673,711.27
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

The attached PR26 reported \$673,711.27 in CDBG funds that were expended in the reporting program year.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	n/a	n/a	n/a

Table 4 – Identify the geographic distribution and location of investments**Narrative**

The City of Milpitas has not established specific geographic target areas. CDBG funds serve low to moderate income persons, citywide.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City anticipates CDBG funds to remain constant at about the \$500,000 per year level. In conjunction with this federal program, the City will receive additional funding in the form of program income – payments paid into revolving loan fund.

In November 2016, County voters passed Measure A, also known as the Affordable Housing Bond, which provided \$950 million to provide affordable housing for vulnerable populations i.e. veterans, seniors, disabled, low and moderate income households, foster youth, victims of abuse, mental health illnesses which may include a supportive service component. The money will come from a bond that aims at either creating and/or preserving more than 5,000 affordable housing units in the County. The City authorized a loan of CDBG funds in support of a 101 unit affordable housing project located at 355 Sango Court in conjunction with the County Affordable Housing Bond to create needed affordable housing in the City.

The City has adopted an Affordable Housing Ordinance requiring new residential development of 10 or more units to include 15% percent of very low or low-income units for rental and 15% for moderate income households for ownership. In conjunction with CDBG, the City hopes these tools can help create more affordable housing options for all households.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	100	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	100	0

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	296	148
Number of households supported through Acquisition of Existing Units	0	50
Total	296	198

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The high cost of land in the County and the City itself, has been an obstacle in developing affordable housing projects. The development of housing for homeless persons and households due to the low level of affordability, will need deeper gap funding, leverage of funding and competition of funding thereof. Funds have been to preserve affordable housing stock via rentals or low-income homeowners. Staff will continue to work with non-profit organizations and the County to get project funding sources for future affordable housing projects along with implementing essential tools such as the City's new Affordable Housing Ordinance.

Discuss how these outcomes will impact future annual action plans.

The goal of creating more affordable housing will continue to be a goal in future action plans. However, the high cost of construction coupled with high cost of land has made the creation of affordable housing very minimal and slow. Jurisdictions such as Milpitas has focused on preserving the current affordable housing stock and made preservation and rehabilitation a priority. This can be seen in the funded projects in the next action plan.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	316	0
Low-income	201	0
Moderate-income	14	0
Total	531	0

Table 7 – Number of Households Served

Narrative Information

Rebuilding Together performed rehabilitation services for 77 extremely-low, low and moderate-income homeowners to help households age safely in place and also correct many code deficiencies. Lastly, a senior, affordable housing project, Terrace Gardens replaced many outdated items for the project that will increase the safety of seniors, such as replacing 10 refrigerators, replacing the common area bollards, and replacing the main boiler for the complex.

The City of Milpitas secured deed restrictions on 50 previously market rate units at 80% AMI. These units will become available to rent at the restricted level as attrition occurs on the units and will all be rented at the restricted level in no later than five years.

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CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Milpitas partners with Santa Clara County Continuum of Care to conduct the bi-annual Homeless Point in Time survey. In January 2019, the Point-in-Time Count was conducted by the County of Santa Clara, the City of San Jose and Applied Survey Research for the 2019 Santa Clara County's biennial Point-in-Time count of homeless persons as required by the U.S. Department of Housing and Urban Development (HUD). The survey and count was crucial as it is used for important qualitative and quantitative data as a representative sample to understand where the homeless reside and how to best respond to any immediate needs. The homeless were surveyed about a variety of issues including shelter, services and assistance. In the City of Milpitas, the count showed an increase of homeless persons from 66 to 125. The City will continue to financially contribute and participate in future survey assessing homeless persons to learn how to assess his/her needs. In addition, the City will continue to contribute to programs providing supportive services to the homeless population.

Addressing the emergency shelter and transitional housing needs of homeless persons

On February 2, 2016, Milpitas City Council members adopted Resolution No. 8523, finding that the problem of homelessness constitutes a crisis and consider policy options for funding affordable housing to house homeless people. The City will continue to work with the County in its Point-in-Time Census to identify all unsheltered persons and organizations that provide emergency shelter and housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City of Milpitas is involved and participates in the Santa Clara County Continuum of Care that is dedicated at ending and preventing homelessness in the County. The Santa Clara County Continuum of Care has communitywide efforts to end homelessness through fostering relationships, program and systematic changes. The City will continue exploring ways to partner with the County to produce Permanent Supportive Housing (PSH) units with the County Measure A funding. The County has pledged to provide supportive services for every PSH unit developed.

Helping homeless persons (especially chronically homeless individuals and families, families

with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will continue to work with Santa Clara County to use Measure A funding that will house at-risk homeless, homeless and other extremely low income and vulnerable populations. The County also works with various agencies such as YWCA through a Rapid Rehousing that include supportive housing and case management to shorten his/her stay in emergency housing and maintain successful, permanent housing.

DRAFT

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

This is not applicable, there are no public housing developments in the City of Milpitas.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Not applicable.

Actions taken to provide assistance to troubled PHAs

Not applicable.

DRAFT

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Affordable Housing Ordinance No. 297

The City adopted Affordable Housing Ordinance No, 297 on June 19, 2018. The Ordinance requires that all new residential development projects of 10 or more units designed and intended for permanent occupancy shall construct 15% of the total number of dwelling units within the development as affordable units.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City of Milpitas is working with the County and the Housing Authority of County of Santa Clara to address underserved needs.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The County of Santa Clara has received funding from State's Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include: community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing. Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition the City publicize, and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, especially under the City's Rehabilitation Loan Program, is supported through abatement and technical assistance of how to proceed with mitigating lead based paint hazards.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Milpitas wants to continue to reduce the number of households in poverty and prioritizes funding towards agencies that provides services for the at-risk of homeless and those

experiencing homelessness. In the 2018-2019, the City funded Next Door Solutions to Domestic Violence, YWCA Silicon Valley and Milpitas Food Pantry. Both Next Door Solutions to Domestic and YWCA Silicon Valley provides emergency shelter for victims of domestic violence and their children. Milpitas Food Pantry provides crucial week-supply of groceries and other household items. These organizations provide much needed supplementary services for the households to reduce transient stays including: case management, safety assessment, affordable housing information and other referrals to other service agencies. The City will continue exploring ways to partner with the County to produce Rapid-Rehousing (RRH) and Permanent Supportive Housing (PSH) units with the County Measure A funding to help the poverty-level families as well as producing Extremely Low Income (ELI) housing.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City is striving to improve intergovernmental and private sector cooperation to synergize efforts resources and develop new revenues for community service needs and the production of affordable housing. Continued collaborative efforts include:

- Regular quarterly meetings between entitlement jurisdictions at the CDBG Coordinators meeting.
- Meet with Regional Housing Working Group
- Joint jurisdiction Request for Proposals and project review committees
- Coordination on project management for projects funded by multiple jurisdictions

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City benefits from a strong jurisdiction and region-wide network of housing and community development partners, such as the County and the CoC. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local jurisdictions and developers in sharing information and resources.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City continues to provide funding for Project Sentinel, the City's expert for fair housing issues. Project Sentinel is a private non-profit agency providing fair housing, tenant-landlord counseling and dispute resolution services to the City of Milpitas. In addition to counseling and case intake, education and outreach activities will be ongoing. Outreach activity includes: the publication of Rent Watch, a rental housing advice column; distribution of brochures, radio public service announcements and public presentations and workshops. Tenant-Landlord counseling/Dispute Resolution includes all areas of concern in rental housing; however, evictions and substandard housing complaints receive priority attention. Mediations and conciliations are conducted by trained staff and volunteers. Services are delivered in a neutral, unbiased manner to all parties engaged in the rental housing relationship. Fair Housing services

of community education, and complaint investigation are provided from the corporate office and other public facilities within the City of Milpitas (library, community center). Other services include HUD-certified mortgage default counseling and First-Time Homebuyer workshops are open to Milpitas residents. These services are provided from Project Sentinel's office at the Milpitas Sobrato Center.

DRAFT

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Milpitas' CDBG project manager ensures all funded organization are in compliance and meet financing and programmatic requirements of HUD. Each organization is required to submit quarterly reports of their projects and how close it is to meeting their goals listed in the contracts with the City.

In addition the organization must submit invoices for reimbursements that documents what services have been rendered. At the end of the program year, staff will perform on-site monitoring of all the organizations. This is the chance to discuss outstanding contract goals, daily project performances and also for a chance for the City to participate in the organization's mission and to see completed projects. In addition of monitoring of CDBG funding, HUD's CDBG 1.5 Timeliness Requirement requires that the City have no more than 1.5 times its entitlement grant allocation in its account. City staff has performed quarterly reviews of expenditures and review balance of each sub-recipient to ensure of timely expenditures. Staff worked with each recipient at the beginning of each quarter to facilitate expenditures to ensure sub-recipients are submitting invoices as soon as services have been rendered. The City of Milpitas has met its timeliness requirement.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

As described in the City's approved Citizen Participation Plan, the CAPER was made available in the Public Library, City's Website, City Hall and per request via email to the public for public comment for 15 days. A public notice was published in the Milpitas Post and website on August 16, 2019. The public is encouraged to comment via email, phone or written to staff.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There are no changes in objectives of the program.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

DRAFT



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Adopt a Resolution for the Summary Vacation of an Existing Public Service and Utility Easement at 1646 Centre Pointe Drive
Category:	Public Hearings-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	1. Conduct a public hearing and move to close it, following any comments; and 2. Adopt a resolution for the summary vacation of an existing Public Service and Utility Easement

Background:

On May 3, 2016, the City Council conditionally approved Site Development Permit (SD15-0012), Conditional Use Permit (UP15-0016) and Vesting Tentative Map (MT15-0011) to allow for the development of two mixed use buildings consisting of 694 dwelling units with 36,500 square feet of commercial space located at 1646 Centre Pointe Drive, within the Transit Area Specific Plan (TASP) area.

Analysis:

Project conditions require that a portion of an existing Public Service and Utility Easement (PSUE) no longer used be vacated to accommodate the new building. As shown on Exhibits A and B, 1,969 square feet of PSUE is recommended to be vacated.

Pursuant to California Streets and Highways Code Sections 8333, the City Council may summarily vacate a public service and utility easement that has been superseded by relocation and no other public facilities are located within the easement. All utilities located within the existing Public Service and Utility Easement have been relocated.

Pursuant to California Streets and Highways Code Sections 8335, once the Resolution of Summary Vacation including Exhibits A and B is adopted by the City Council and recorded with the County of Santa Clara Recorder's Office, the existing easements will be vacated and no longer exist.

Policy Alternative(s):

Alternative 1:

Not approve resolution for the summary vacation of an existing PSUE.

Pros: None

Cons: The project would not be in compliance with project conditions of approval and the proposed structure would be in conflict with the existing PSUE.

Reason not recommended: To allow the development to move forward, staff recommends adopting a resolution to summarily vacate the portion of existing PSUE that is no longer required for public use.

Fiscal Impact:

None

California Environmental Quality Act:

This project is included within the area evaluated as part of the TASP Environmental Impact Report, SCH#2006032091, which was certified by the City Council on June 3, 2008. On May 3, 2016, the City Council found that the project is categorically exempt from further environmental review pursuant to Section 15168(c)(2) of CEQA.

Recommendation:

1. Conduct a public hearing and move to close it, following any comments; and
2. Adopt a resolution for the summary vacation of an existing Public Service and Utility Easement

Attachment(s):

Attachment: Resolution with Exhibits

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS SUMMARILY
VACATING AN EXISTING PUBLIC SERVICE AND UTILITY EASEMENT AT 1646 CENTRE
POINTE DRIVE**

WHEREAS, California Streets and Highways Code Sections 8333 and 8335 authorize the City Council to summarily vacate public service and utility easements that have been superseded by relocation, or determined to be excess by the easement holder and there are no other public facilities located within the easement; and

WHEREAS, there is an existing public service and utility easement located at 1646 Centre Pointe Drive; and

WHEREAS, project conditions require that a portion of the existing public service and utility easement be vacated by the City to accommodate the new building; and

WHEREAS, all utilities located within the existing public service and utility easement have been relocated; and

WHEREAS, this project is included within the area evaluated as part of the Transit Area Specific Plan Environmental Impact Report (EIR), SCH#2006032091, which was certified by the City Council on June 3, 2008; and

WHEREAS, on May 3, 2016, the City Council found that the project is categorically exempt from further environmental review pursuant to Section 15168(c)(2) of the California Environmental Quality Act; and

WHEREAS, the City Council intends to summarily vacate the public service and utility easement as described and depicted on **Exhibits A and B** attached to this Resolution, pursuant to California Streets and Highways Code Sections 8333 and 8335.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The existing public service and utility easement described and depicted in **Exhibits A and B**, attached hereto, has been superseded by relocation and there are no other public facilities located within the easement.
2. The City Council does hereby order the summary vacation of the existing public service and utility easement as described and depicted in **Exhibits A and B**, in accordance with California Streets and Highways Code Sections 8333 and 8335.
3. The City Clerk is hereby directed to record a certified copy of this Resolution, including **Exhibits A and B** attached hereto, attested by the City Clerk under seal, with the County of Santa Clara Recorder's Office.
4. From and after the date this Resolution is recorded, the existing public service and utility easement vacated herein as described and depicted in **Exhibits A and B** will no longer constitute an easement.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC SERVICE UTILITY EASEMENT VACATION
PORTION OF PARCEL 5 (517 M 42)
MILPITAS, CALIFORNIA

REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 5 AS SAID LOT IS SHOWN ON THE PARCEL MAP FILED IN
BOOK 517 OF MAPS AT PAGE 42, SANTA CLARA COUNTY RECORDS AND MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THAT PORTION OF THE 10' PUBLIC SERVICE UTILITY EASEMENT (PSUE) LYING
WEST OF THE EASTERLY LINE OF SAID PARCEL 5 (517 M 42) LABELED AS N 5°30'47" E
223.47', AS SAID PSUE, EASTERLY LINE AND LABEL ARE SHOWN ON SAID MAP (517 M
42) AND BOUNDED ON THE NORTH BY A LINE LYING TEN (10) FEET SOUTHWESTERLY
AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID PARCEL 5 AND BOUNDED
ON THE SOUTH BY A CURVE LYING TEN (10) FEET NORTHWESTERLY AND
CONCENTRIC WITH A CURVE SEGMENT OF THE SOUTHEASTERLY LINE OF SAID
PARCEL 5 LABELED AS CURVE DATA WITH A RADIUS OF 1079.00', DELTA OF 19°11'20"
AND ARC LENGTH OF 361.37', AS SAID NORTHEASTERLY LINE, CURVE SEGMENT,
SOUTHEASTERLY LINE AND CURVE DATA ARE SHOWN ON SAID MAP (517 M 42),
CONTAINING 1,969 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT "B" - PLAT TO ACCOMPANY LEGAL DESCRIPTION WHICH IS ATTACHED
HERETO AND MADE A PART HEREOF.

END OF DESCRIPTION

THIS DESCRIPTION AND ITS ACCOMPANYING PLAT WERE PREPARED BY OR UNDER
THE DIRECTION OF:


ALVIN LEUNG, PLS 6630

August 12, 2019
DATE



GREAT MALL PARKWAY
(FORMERLY CAPITOL AVENUE)

10' WIDE PSUE
(517 M 42)

N58°54'47"W 596.46'

DESCRIBED AREA
1,969± SF

PARCEL 5
(517 M 42)

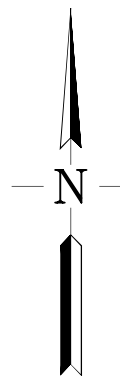
10' WIDE PSUE
(517 M 42)

N05°30'47"E 223.47'

10' WIDE PSUE
(517 M 42)

R=1079.00'
Δ=19°11'20"
L=361.37'

MONTAGUE
EXPRESSWAY



1 inch = 60 ft.



[Signature]

AUGUST 12, 2019

LEGEND

- PARCEL LINE
- EXISTING EASEMENT LINE
- PSUE TO BE VACATED
- PSUE
- PUBLIC SERVICE UTILITY EASEMENT

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION
PUBLIC SERVICE UTILITY
EASEMENT VACATION
PARCEL 5 (517 M 42)

MILPITAS

CALIFORNIA



RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS

4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588

PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:
1"=60'

DATE:
8-12-2019

JOB N
141107

400

MILPITAS CITY COUNCIL MEETING

PREVIEW OF AGENDA ITEMS

SEPTEMBER 17, 2019

CONSENT CALENDAR

- 1) Accept City Council calendars for September and October 2019
- 2) Approve City Council meeting minutes of August 30 and September 3, 2019
- 3) Adopt a Resolution per PERS to hire retired annuitant as contract Hazmat Inspector (Liz Brown, Albert Zamora)
- 4) Adopt a Resolution approving plans & specifications; and, Award Construction Contract to CRW Industries for CIP No. 5055 Alviso Adobe Renovation project – Interior (Steve Erickson)
- 5) Approve Plans & Specifications for Transit Area On-Street Parking Program CIP No. 2017 and Award Contract (Steve Chan)
- 6) Approve Maintenance Service Agreement with TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services for an amount not to exceed \$245,250 over five years (Tony Ndah)
- 7) Receive Mayor's recommendation and appoint two new members to the Economic Development & Trade Commission (Alex Andrade)
- 8) Confirm required findings included in adopted Resolution No. 8899 for approval of an exception to the Affordable Housing Ordinance to allow payment of fees in lieu of constructing 6 affordable units within 40-unit residential condominium development at 2001 Tarob Court (Ned Thomas)
- 9) Approve and authorize Interim City Manager to execute the Improvement Agreement between the City of Milpitas and LD Milpitas Property, LLC regarding 521 Alder Drive (Steve Erickson)

PUBLIC HEARINGS

- 10) 1st reading/Introduce Ordinance No. 38.835 regulating Short Term Rentals (Daniel Degu)
- 11) 1st reading/Introduce Ordinance No. xxx for a Rent Review Program (Sharon Goei)

COMMUNITY DEVELOPMENT

- 12) Adopt a Resolution authorizing the creation of the Pilot Rent Relief Program (Sharon Goei)
- 13) Report on Census 2020 (City Manager's office)

COMMUNITY SERVICES

- 14) Award Contracts for Water, Storm, and Sewer Master Plans (Tony Ndah)

PUBLIC SAFETY

- 15) Presentation of Unmanned Aerial System (UAS) technology (Jared Hernandez)

LEADERSHIP *(first 2 carried over from August 20)*

- 16) Approve updated Facility Use Manual (Renee Lorentzen)
- 17) Direction to staff on draft Council policies for Training and Events (Ashwini Kantak)
- 18) Select/confirm appointment of 1 Councilmember as voting delegate + 1 or 2 Councilmembers as Alternates to League of CA Cities Annual Conference in Long Beach, CA scheduled October 16 – 18, 2019 (Mary Lavelle)

REPORTS

- 19-23) 5 Agenda Item Request Forms submitted by Councilmembers Nuñez and Phan:
- (i) renaming Dixon Landing Road to Barack Obama Blvd.; (ii) community museum and park; (iii) feasibility study of community theater; (iv) social media; (v) proclamation and commendation process

PREVIEW NEXT AGENDA

- 24) Preview list of items for October 1, 2019 regular City Council meeting (Mary Lavelle)